the weekly Standard

APRIL 12 / APRIL 19, 2004

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JOHN KERRY WIMPS OUT
P.J. O'ROURKE

ONE WAR

Iraq is not a diversion from the war on terror

Reuel Marc Gerecht

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A year ago, the Supreme Court laid down the law about excessive punitive damages.

You might call it a sign from above.

On April 7, 2003, the U.S. Supreme Court ruled that excessively large punitive damage awards are unconstitutional.

The Court held that an award of $145 million in punitive damages—*145 times the actual damages*—was excessive, and violated the Due Process Clause of the 14th Amendment to the United States Constitution. When punitive damages are necessary, they should be fair and reasonable.

The Supreme Court's decision will help put the brakes on runaway verdicts, *if* it is faithfully applied.

On this one-year anniversary, the U.S. Chamber of Commerce and the U.S. Chamber Institute for Legal Reform salute the Supreme Court for putting a stop to one form of lawsuit abuse, and remind lawyers and lower courts that the rules of the road have changed.

To learn more, come to a conference on punitive damages on Wednesday, April 28, 2004, 8:00am–1:30pm, at the U.S. Chamber of Commerce, 1615 H Street NW, Washington, D.C. For more information, call (202)463-5500, or go to www.uschamber.com/ncf.

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THIS IS A COMBINED ISSUE. THE NEXT ISSUE OF THE WEEKLY STANDARD WILL APPEAR IN TWO WEEKS.

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The New (Cold-Blooded) Democrats

Less than 24 hours after four American civilians working under contract for the U.S. government were brutally murdered in Falluja, Iraq, last week—their corpses mutilated on camera by an anti-American mob—the pseudonymous Daily Kos, a star of the liberal blogger set, chimed in on his website (*www.dailykos.com*) with this bit of political analysis, headlined "Every Death Should be on the front page":

> Let the people see what war is like. This isn't an Xbox game. There are real repercussions to Bush's folly. That said, I feel nothing over the death of mercenaries. They aren't in Iraq because of orders, or because they are there trying to help the people make Iraq a better place. They are there to wage war for profit. Screw them.

The uninitiated should know that "Kos" is not by reputation a far-left lunatic. He's a Democratic political consultant on the make. "Kos" is the pseudonym for Markos Zúniga, a 27-year-old lawyer in California. He started writing his political blog in the summer of 2002, and in January 2003 became partners with Jerome Armstrong, who had spent the previous couple of years helping Vermont governor Howard Dean cement his Internet presence. Last April, their political consultancy, Armstrong Zúniga, helped orchestrate grassroots efforts to draft Gen. Wesley Clark for president. And last May, they signed a contract with Dean for America.

Zúniga told THE SCRAPBOOK that his firm has no ties to John Kerry's presidential campaign. But he's very much in the Democratic mainstream—or at least he was until his outburst against the four dead Americans, who worked for a North Carolina firm, Blackwater Security Consulting.

Because Daily Kos is one of the web's most popular blogs, it is able to charge between $700 and $2,000 a month to host online advertisements, almost all of which are spots for national Democratic candidates or organizations. The sponsors include the Democratic Congressional Campaign Committee and the Democratic National Committee.

Texas Democrat Martin Frost, to his credit, quickly pulled his ads from the site last week after another blogger drew the Frost campaign's attention to the "screw them" diatribe. "The views expressed by that website in no way reflect Martin's positions and as stated earlier his advertising has been pulled," Frost campaign manager Jess Fassler said in an email. "Congressman Frost supported the President's efforts to remove Saddam Hussein and his murderous regime and stands 100% behind our troops who are fighting terrorism both abroad and right here at home. There is no place for these disgusting remarks in this nation's discussion on foreign policy."

Speaking of diatribes, Zúniga followed up the next day with a non-apology titled "Mercenaries, war, and my childhood." "Nobody deserves to die," he said. But he was "angry," because "these mercenaries" (the civilian security contractors) "make more in a day than our brave men and women in uniform make in an entire month." He was angry because "these mercenaries" would "leave their wives and children behind" to help build the new Iraq.

From what THE SCRAPBOOK could make out, Zúniga is also angry because, having been raised in El Salvador, he "actually grew up in a war zone." So he "lived in the midst of hate the likes of which most of you will never understand." Which means it really gets his goat whenever a "mercenary" willingly enters a war zone "because the money is DAMN good."

Here, then, are the names of the "mercenaries" who, at the time of their death, were providing security for food shipments into Falluja: Jerry Zovko, a 32-year-old Army veteran whose brother told the *New York Times* that he went to Iraq "to make it a better place"; Mike Teague, a former special operations officer and Army veteran with 12 years experience; and Scott Helvenston, of Leesburg, Fla., who spent 12 years as a Navy Seal. The fourth victim, burned and mutilated beyond recognition, has not been identified. ♦

Clarke's Free Ride

Pundits and commentators last week worked overtime decrying the Bush administration's "character assassination" of ex-NSC staffer Richard Clarke, yet we have heard nothing at all about Clarke's personal life (except from Bush-despising websites fantasizing about how low the White House is supposedly about to stoop). The Pentagon's "talking points" on Clarke left in a Washington, D.C., Starbucks by an aide to Donald Rumsfeld are notable for their focus on the substance of Clarke's terror-war critique.

Meanwhile, journalists have done remarkably little substantive work themselves. Thus several of Clarke's implausible claims have gone almost unnoticed.

★ In his *60 Minutes* interview, Clarke declared that "there's no evidence of Iraqi support for al Qaeda, ever." But in January 1999, Clarke told the *Washington Post* that the U.S. government was "sure" that Iraqi scientists worked on

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chemical weapons at the al Shifa pharmaceutical plant in Sudan that we destroyed after al Qaeda bombed two U.S. embassies in Africa.

* On page 237 of his book, Clarke recounts a September 4, 2001, "principals" meeting at which "Rumsfeld, who looked distracted throughout the session, took the Wolfowitz line that there were other terrorist concerns, like Iraq, and that whatever we did on this al Qaeda business, we had to deal with the other sources of terrorism." Nice story. Except Rumsfeld was not there.

* Clarke writes that another NSC staffer, Franklin Miller, told Rumsfeld on 9/11 to leave the burning Pentagon in a helicopter. Dramatic? Yes. True? No. Miller told the *New York Times*'s David Sanger, one of the few journalists to scrutinize the Clarke narrative, that he never spoke to Rumsfeld that day.

* The morning of 9/11 was a blur for many Americans and must have been for Clarke, too. But Clarke relates in vivid detail a secure videoconference of the national security team. The World Trade Center had been hit moments earlier. "As I entered the Video Center, Lisa Gordon-Hagerty was taking the roll and I could see people rushing into studios around the city: Donald Rumsfeld at Defense and George Tenet at CIA." Moments later, according to Clarke, NSC staffer Roger Cressey "stepped back in to the video conference and announced: 'A plane just hit the Pentagon.'"

Clarke replied: "I can still see Rumsfeld on the screen, so the whole building didn't get hit."

Very perceptive. But it didn't happen like that. Rumsfeld was in his office when the plane hit the Pentagon but not on video. He had come directly from a meeting with members of Congress and, after the attack, in one of the most-chronicled events of that day, went to the site of the impact to help load the injured onto stretchers. ♦

Press Critic Extraordinaire

If there's any group more liberal than journalists, it's communications professors. That makes it all the harder to accept the loss of one of the best, Ted J. Smith, a prominent dissenter from the conventional campus wisdom, who recently died from a heart attack.

Smith was a rare blend of theorist, social scientist, and activist. A longtime board member of the National Association of Scholars, he sued his own university and succeeded in overturning its "gender equity" program in a precedent-setting case (*Smith et al.* v. *Virginia Commonwealth University*) by showing that salary differences need not imply discrimination.

But his most lasting legacy was his critique of the "Socrates syndrome" in journalism. In numerous studies of political and economic news, he traced liberal and negative bias to the arrogant assumption that journalists alone uphold the public interest and have a duty to unmask the claims of every other group as merely self-interested. In the words of his mentor Richard Weaver, Ted Smith showed how journalists' ideas have consequences for all of us. ♦

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Casual

Self-Made Man

I haven't had much experience shopping for women's clothing. And on those rare occasions when I've trotted off to buy a pair of slippers or a wallet, say, as a gift for my deserving wife, the mere fact of being in a women's clothing store has made me deeply uncomfortable.

Yet, I wanted to buy my wife a dress this anniversary. Actually, there was more to it than that. I wanted to be the kind of man of taste who knows enough about style and the female form to pull off buying a dress for his woman.

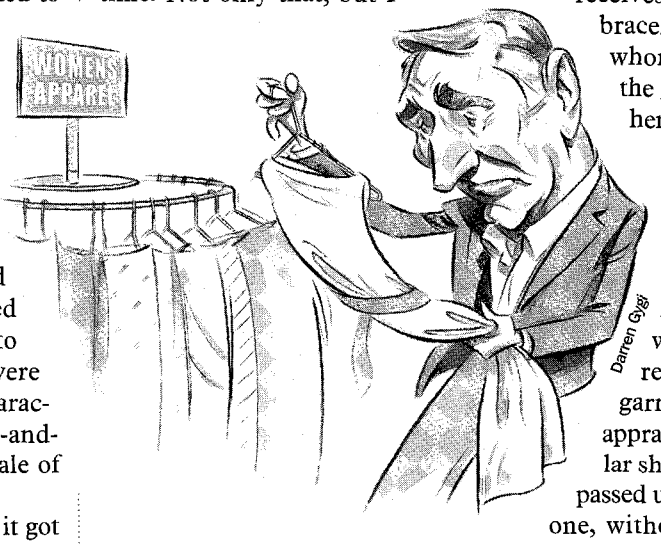
I kept thinking about this meta-level of my little project. In college I took a literature course in which we learned about "the constructed self." Other generations studied how authors use language to bring characters to life. We were asked to consider that all character—even the nonfictional you-and-me kind—is really a self-told tale of make-believe.

Total poppycock, I know, but it got me thinking about how one becomes a certain type of person. How, if I deliberately set out to be *that guy*, he would eventually be, well, me.

That guy—the one who comes home to his woman with a big wide gift box tied with one of those easy-to-remove giant ribbons only seen in the movies. She loves the dress, puts it on, it fits perfectly, and they hit the town. Cue the jazzy, good-time music.

Besides, a dress seemed to be just the thing in this age of androgyny. It's so "me-man, you-woman." Okay, technically, as we're all now thoroughly aware, a woman can give a woman a dress, as a "me-woman, you-woman" thing. And, for that matter, a man can give a man a dress, one or both of them being cross-dressers. But that's nothing to do with the particular character I was determined to construct for myself.

Which was hard enough. There I was in the store, trying to talk myself into making the purchase—making it with the easy confidence of a man of savoir-faire who knows what his woman wants—and feeling as unnatural as an actor at a cold reading, delivering his lines for the first time. Not only that, but I



was the only customer in the place that weekday morning, and the mannequins, frankly, scared me.

This is a little off-topic, but I actually suffer from a fear of mannequins dating back to childhood nightmares, in which they would appear dismembered and heaped in ghoulish piles. And they would never, ever blink. When I read *The Professor's House* a few years ago, I couldn't imagine how Godfrey St. Peter could stand to study in a room also occupied by his wife's dress dummies.

Anyway, there I was in the store, and the salesgirls exuded uncertainty when they saw me—sensing, I suspect, that my pose as a guy who knows how to buy a dress for his wife was fraudulent. Finally one of them asked if I needed help. I did, of course, but so much more than any salesgirl could provide. I said no thanks. Then it occurred to me to make a joke ("Hey, do you think one of these little strappy numbers would fit over my big shoulders?"). But, unsure whether the joke would confirm or undermine my cool-guy persona, I kept it to myself.

I've neglected to mention one other reason I wanted to buy my wife a dress: simple necessity. There are three major gift-giving occasions every year (anniversary, birthday, Christmas), and I've known my wife for almost seven years. Inevitably, the question arises: How much jewelry can one woman wear? She also receives little necklaces and bracelets from her father, for whom jewelry has always been the gift of choice. At this point, her tiny jewel box is bulging.

So there I was. I walked up to several dresses that seemed nice and tried to picture my wife wearing them. Afraid of looking like I knew too much about women's clothing, I refrained from lifting any garment off the rack and appraising it mid-air like a regular shopper. Perhaps as a result, I passed up a brown one, then a pink one, without quite knowing why. I must have struck a particularly stiff and awkward figure, standing before the dresses, viewing them formally like art in a museum. But finally, I settled on one. Nice spring color, girlish without being immature, a cut and pattern that should be flattering. I said I'd take it.

My anniversary is still a couple of days away. At a dinner party the other night, my wife excused herself from the table, and I used the opportunity to amuse our friends with a brief account of my shopping adventure. I intentionally made myself a figure of fun. Everyone laughed, but the women—I noted with great satisfaction—seemed impressed. Pretty suave, eh?

David Skinner

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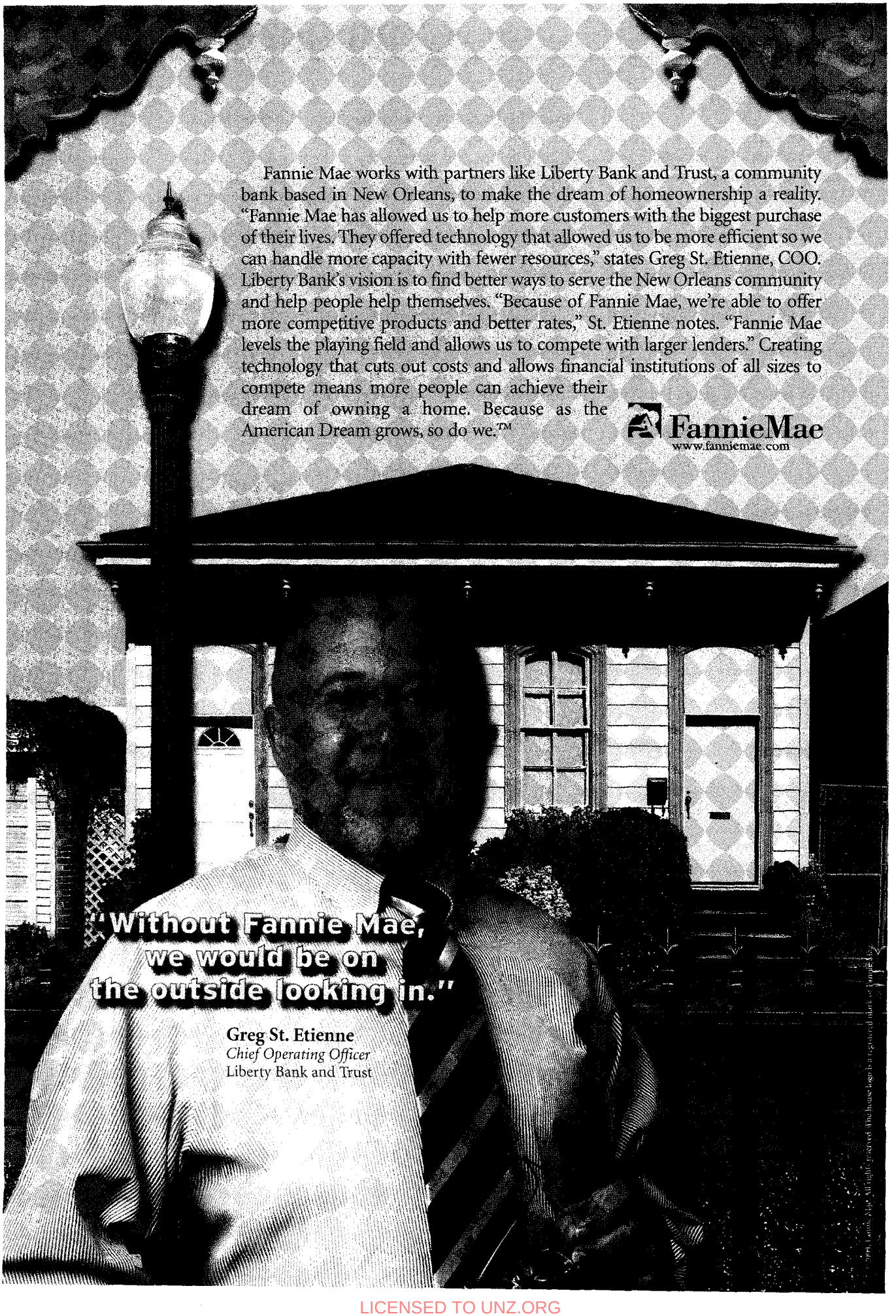

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Crisis Control

William Kristol is right, as ever, in his assertion that the administration needs to campaign aggressively for the United States' viewpoint in Europe ("The Crisis in Europe," March 29). Unfortunately, however, it seems that this Republican White House views policy communication as the ugly stepchild of policy making. What's more, it seems to me that there is no top official in the National Security Council or the State Department who is tasked exclusively and authoritatively with communicating the United States' policies and outlooks to the European community. Where is Colin Powell when we need him?

Eric Field
Denver, CO

William Kristol's characterization of the Madrid bombings as a "victory for terror" was painfully accurate. In his editorial, Kristol elaborates on the effects of the al Qaeda attack in Spain, as does Reuel Marc Gerecht in his "Holy War in Europe" (March 29). Without minimizing either commentary in the least, however, one recognizes that there is more to be concerned about than the situation in Europe.

Terror's victory in Madrid was far-reaching. Radicals, of all kinds, will take heart as well. When a few bombs detonated by a handful of fanatics can swing a national election, it matters little whether that result was intended or not. The result takes on a life of its own, and repetition is assured. How long will it take before domestic terrorists, here and abroad, begin capitalizing on the lesson of Madrid? Or radical members of the antiglobalization movement? As Kristol and Gerecht both suggest, Madrid raised difficult questions with terrifying answers.

Wayne Skaggs
Wimberly, TX

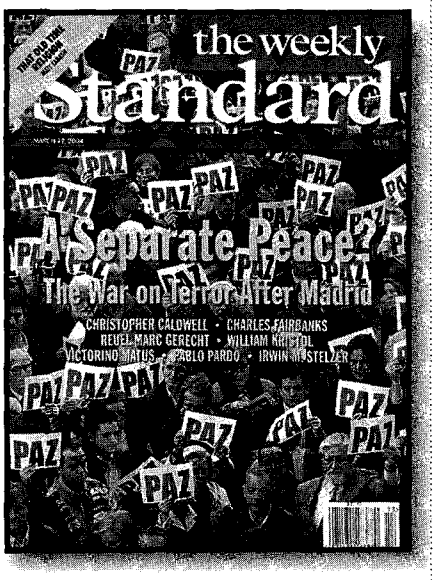
Odd Jobs

It's no surprise that Cesar Conda, Vice President Dick Cheney's former assistant for domestic policy, supports the outsourcing of jobs to foreign countries ("Traders Are Not Traitors," March 29). Another non-surprise: The opinion piece bashes the Democrats for bashing outsourcing. Yet what is forgotten in the political debate over outsourcing is the working person who lost a job.

For it is not just "certain low-wage, low-prestige jobs" (Conda and Stuart Anderson's words) that are being lost. People with multiple degrees are being laid off, as well as recent college graduates who cannot find work.

A broad range of blue collar, white collar, high tech, and high education careers are already gone, perhaps never to return. Republicans, Democrats, Independents, and Greens are all impacted. More than any other sentiment, these folks feel betrayed by their employers and their government.

The argument that we should just be



patient with the "jobless recovery" rings hollow. Offshoring is the worldwide search for the lowest wage. Indeed, there are a lot of new jobs being created. Just not here.

Richard Myers
Thornton, CO

Christians Rock

Matt Labash's review of *Goodbye, Babylon* is both insightful and appreciated ("That Old Time Religion," March 29). Unfortunately, his backhanded critique of today's Christian music scene is typical of those who first encountered Christian popular music during its difficult birth.

While early Christian musicians struggled to balance the demands of spiritual integrity and artistic excellence, today's accomplished artists—groups such as Third Day, Jars of Clay, Ten Shekel Shirt, and dc Talk—stand toe-to-toe with their secular counterparts. All these groups display accomplished musicianship, artistic creativity, and theological integrity. These artists, and many others, answer Larry Norman's question: "Why should the devil have all the good music?" The answer is simple: The devil doesn't even come close.

Jason DiPinto
Augusta, KY

Teen Idol

A doffing of fedoras to Joseph Epstein for his "Perpetual Adolescent"—despite, as Epstein notes, a general decline in the number of fedoras to doff (March 15). Epstein's sobering discussion of the prolonging of the adolescent mentality, and the consequent resistance to growing up, is an unsettling wake-up call. At no time in our history has there been a more urgent need to promote responsibility in our domestic culture so as to maintain our role in the world at large.

Epstein's comments about the place of youth and maturity reminded me of a long-ago interview with Lyndon Johnson. Regarding public service, Johnson said he hired young people to generate ideas and old people to tell him if the ideas were any good.

Norman Demb
Evanston, IL

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The Weekly Standard
1150 17th St., NW, Suite 505
Washington, DC 20036.

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After Falluja

The similarity struck everyone right away: Mogadishu, October 3, 1993—Falluja, March 31, 2004. But we cannot permit these two outrages to be similar *in their effect*. At this key moment, the Bush administration has to ensure that the reactions to Falluja and Mogadishu go down in the history books as studies in contrast, not in similarity.

Mogadishu triggered, in a few months, the withdrawal of American troops from Somalia, and victory for those who killed our soldiers. Slaughter in Rwanda followed in a few months—a slaughter the *Economist* this week (on the 10th anniversary) called "the purest genocide since 1945, and perhaps the single greatest act of evil since Pol Pot turned Cambodia into a killing field." The *Economist* further noted that the "West's reluctance to get involved was largely a consequence of America's shambolic intervention in Somalia the previous year." Or more precisely: a consequence of America's humiliating retreat from Somalia.

Mogadishu encouraged Osama bin Laden in his judgment that America was a "weak horse," a nation that could not take casualties. Mogadishu therefore deserves a place of dishonor at the head of a decade of failures to respond seriously to attacks against our soldiers, diplomats, and citizens. From Mogadishu to the Khobar Towers, the African embassies, and the USS *Cole*, American passivity helped Osama bin Laden make the case to prospective jihadists that their cause would prevail. Then came 9/11, and a decisive response.

And now Falluja. The *New York Times* last week warned, to its credit, against "a panicky, casualty-driven withdrawal" from Iraq. But then, to its discredit, it lapsed into worry that the "emotions" generated by "pictures of burned Americans hanging from a bridge" in Falluja might lead to "overwhelming reprisals." If only.

It would be unfair to dwell on the lame comment by one American commander on the day of the atrocity: "Should we have sent in a tank so we could have gotten, with all due respect, four dead bodies back? What good would that have done? A mob is a mob. We would have just provoked them. The smart play was to let this thing fade out." Really? Unprovoked by the sight of a tank, terrorists in the Falluja area continued in the following days their assaults against U.S. troops and Iraqis working with Americans. In any case, the alternative to inaction on March 31 did not have to be a single tank. We could have sent many tanks, along with air support, to disperse the mob, kill those who didn't disperse, intimidate onlookers, and recover the bodies of the dead Americans. And we could immediately have put a price on the head of the killers and those who desecrated the bodies.

Still, since that first day, the responses of the Bush administration and of American commanders have been commendable: assurances that we will not cut and run, and commitments to punish those involved, and to reenter and "pacify" Falluja. We expect a strong—even "overwhelming"—military response along those lines in the coming days.

It has been the great achievement of President Bush, since September 11, to break the bad habits of the 1990s. The president's critics now claim that any president would have done the same after the attacks on New York and Washington. This is by no means clear. The pattern of passivity ran deep. The temptations of accommodation and wishful thinking are still strong. Indeed, they are so strong that the administration arguably hasn't broken as sharply with the failed policies of the past decade as it should have. The size of the military has not been increased; there was a reluctance to send ground troops into Afghanistan in November-December 2001 and to commit enough ground troops to Iraq; there seems to be an unwillingness to hold Iran accountable for sheltering al Qaeda leaders; there is an aversion to pressuring Saudi Arabia.

Still, the Bush administration has shown real strength and impressive decisiveness in taking on terrorist groups and states. We trust that U.S. troops will soon move to uproot what seems to have become a kind of terrorist sanctuary in Falluja, and to ensure that those who seek to drive us from Iraq are thwarted and indeed routed. If the atrocities in Falluja lead to a deepening of the U.S. commitment to victory in Iraq, and to a sharpening of the Bush administration's sword in the war on terror, then we will have properly honored the sacrifice of those who died March 31 in Falluja—and a decade earlier in Mogadishu as well.

—*William Kristol*

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Manila Folder

John Kerry's 1986 wimp-out in the Philippines.

BY P.J. O'ROURKE

I'VE HAD A NONPARTISAN grudge against John Kerry for 18 years. This seems an appropriate time to air it.

In February 1986, Philippine president Ferdinand Marcos—unpleasant, unwell, and unloved—held a "snap election." This was a somewhat baffling attempt to bolster his authority by running against Corazon Aquino, widow of the opposition leader assassinated by Marcos henchmen. The American diplomatic response was baffled. Marcos was a friend of America, and U.S. military bases in the Philippines were vital to Cold War strategy. But the Philippines was being rent by popular political upheaval, Communist insurgency, Muslim unrest, and economic collapse; and a stable government was needed. But a stable government run by Marcos opponents would be angry about the support Marcos had received from his most powerful, not to say only, friend.

Not knowing what the heck to do in the Philippines, the Reagan administration sent an official election observer delegation headed by Senator Richard Lugar to do what-the-heck. Lugar said his delegation's purpose was "to demonstrate the importance to the United States of free and fair elections in the Philippines." Marcos had ruled the country, by means electoral and otherwise, since 1965. There was little likelihood that the snap election would be free and fair. Not that the U.S. delegation meant to find out. Lugar said, "Our delegation is going to the Philippines to watch and observe and not to pass judgment on the elections." Among the members of this watchful, observant, and non-judgment-passing delegation was the first-term senator from Massachusetts, John Kerry.

I was in the Philippines working on an article for *Rolling Stone*. The elections proceeded predictably with, as I wrote at the time, "voter-registration records being destroyed, ballot boxes stolen, opposition poll watchers barred from their stations, and army trucks full of 'flying voters' moved from one spot to another." And worse. I went to a farm village, or "barangay," about 80 miles north of Manila to interview the family of Arsenio Cainglet, barangay captain for the Cory Aquino coalition. Cainglet had been shot dead while holding his favorite fighting cock on his lap. With Cainglet's 18-year-old daughter translating, I asked the mourners at his funeral if the vote count reflected the political feelings of the village. "There was an audible collective snort. The mourners looked startled. Some of them laughed. Then they were silent."

The U.S. election observer delegation proceeded predictably, also. After a couple of hours of poll-watching on election morning, Senator Lugar told Manila's government-controlled Channel 4, "The only problems I saw were minor and technical." Channel 4 played this tape clip the rest of the day. By the next morning, Lugar was indignantly telling Tom Brokaw, "It's a very, very suspicious count." But that was not shown on Philippine TV. The members of the U.S. delegation used the words "passionate commitment of the Philippine people to democracy" so often that, shortened to "Pash Commit of Flips to Dem," it became a catch phrase among reporters.

"Anything going on in Quezon City?"

"Pash Commit of Flips to Dem."

The only plain-spoken delegate I encountered was representative John Murtha, a Pennsylvania Democrat who, I'm pleased to note, is still in Congress. He was watching a remarkable number of Marcos votes being counted in the pro-Aquino Manila suburb of Pasay. Murtha, I wrote, "tried to make some statesmanlike noises about 'the passionate commitment of the Philippine people to democracy.' . . . But outrage overtook him. 'You can see what's going on!' he blurted. 'You can see what the will of the people is!'"

The following is an excerpt from my *Rolling Stone* article, "Goons, Guns, and Gold."

> Most of the Potomac Parakeets were a big disappointment. Massachusetts senator John Kerry was a founding member of the Vietnam Veterans Against the War, but he was a bath toy in this fray.
>
> On Sunday night, two days after the election, thirty of the computer operators from COMELEC [the Philippine government "Commission on Elections," appointed by Marcos and in charge of compiling the final vote tally] walked off the job, protesting that the vote figures were being juggled. Aquino supporters and NAMFREL volunteers took the operators, most of them young women, to a church, and hundreds of people formed a protective barrier around them. [NAMFREL—The National Movement for Free Elections—was supposedly nonpartisan, but NAMFREL members were strongly anti-Marcos.]
>
> *Village Voice* reporter Joe Conason and I had been tipped off about the walkout, and when we got to the church, we found Bea Zobel, one of Cory Aquino's top aides, in a tizzy. "The women are terrified," she said. "They're scared to go home. They don't know what to do. We don't know what to do." Joe and I suggested that Mrs. Zobel go to the Manila Hotel and bring back some members of the Congressional observer team. She came back with Kerry, who did nothing.
>
> Kerry later said that he didn't

P.J. O'Rourke is a contributing editor to THE WEEKLY STANDARD *and author of the forthcoming* Peace Kills: America's Fun New Imperialism *(Atlantic Monthly Press).*

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The Halliburton Success Story Improving Lives in Iraq

HALLIBURTON

From the Desk of Dave Lesar

During the past year, Halliburton employees have had many success stories, and we feel victorious every time a soldier thanks one of us for clean clothes or a hot meal. But, Halliburton employees' collective accomplishments represent an extraordinary record of achievement. Here are a few of the things we've done to make soldiers feel a little closer to home:

- Delivered and installed **34,000 living container units to house 80,000 troops** and also installed 10,000 toilets and 10,000 showers.
- Hosted close to five million visits to the Morale, Welfare and Recreation facilities – so soldiers can take advantage of breaks in the action.
- Served **four meals a day to thousands of soldiers.**
- Moved and delivered nearly eight million bags or close to **13 million pounds of mail** for soldiers.
- Processed more than **one million bundles** of laundry.

We have provided our oil services expertise to the Iraqi people to help restore their most valuable industry – oil exportation. We entered Iraq one day after the military to help limit the environmental damage and waste of resources caused by neglect and vandalism. Here's what we have done:

- Doused oil well fires in Southern Iraq.
- **Removed more than 46,000 barrels of oil from oil spills in Iraq.**
- Assessed more than 600 oil infrastructure facilities in 30 days resulting in the first oil flowing from Iraq's southern oil fields in late April 2003.
- Assisted in surpassing Iraq's pre-war oil production levels of approximately 2 million barrels per day when **production reached 2.4 million barrels per day** in December 2003 – three months ahead of forecast.
- Increased production by nearly 700 percent, from pre-war amounts of 900 barrels per day to 7,000 barrels per day and that's just from one well. This same well **increased production to the Iraqi economy from a pre-war value of $27,000 per day to a current value of approximately $210,000 per day.**

I am extremely proud of Halliburton's more than 100,000 employees worldwide and the great work they do in difficult and harsh environments. This is especially true in Iraq where our employees risk their lives every day while rebuilding Iraq's oil infrastructure and **providing our troops housing, meals, mail and other vital services.**

Time is critical in all these activities and deployments. One year after our work began, **we are proud to present this extraordinary list of accomplishments.** We are proud to serve the U.S. troops and to lend a hand in helping the people of Iraq.

Sincerely,

David J. Lesar
Chairman, President and
Chief Executive Officer

HALLIBURTON
PROUD TO SERVE OUR TROOPS

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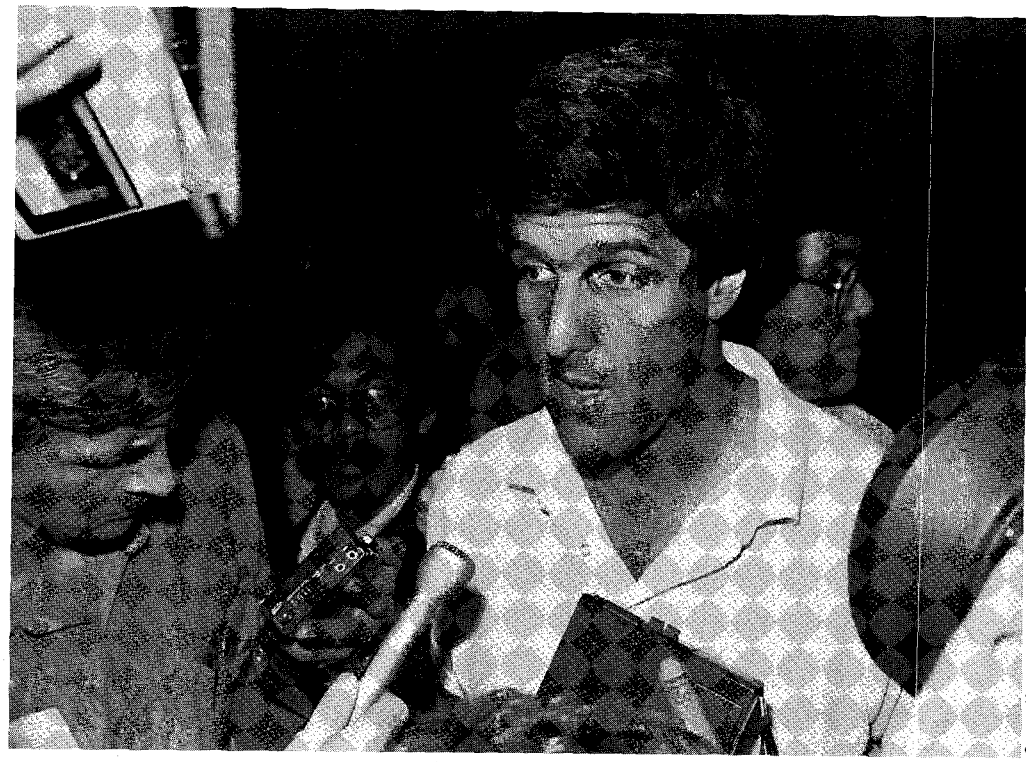

Corbis / Willie Vicoy

Kerry with reporters in Manila, 1986

talk to the COMELEC employees then because he wasn't allowed to. [A bone-head *Rolling Stone* fact-checker sent the article to Kerry's Senate office for comment. Kerry staffers were wroth and insisted the senator's version of events be included.] This is ridiculous. He was ushered into an area that had been cordoned off from the press and the crowd and where the computer operators were sitting. To talk to the women, all he would have had to do was raise his voice. Why he was reluctant, I can't tell you. I can tell you what any red-blooded representative of the U.S. Government should have done. He should have shouted, "If you're frightened for your safety, I'll take you to the American embassy, and damn the man who tries to stop me." But all Kerry did was walk around like a male model in a concerned and thoughtful pose.

And there you have probably the only comparison of Kerry to a male model ever made. Not quite trusting my memory—or my reporting, for that matter—I searched out my notes from 1986. I found some scribbles that I'd made on the Sunday night and a journal with a summation of the evening's events written two days later. I was a foreign correspondent at the time, and not much interested in domestic politics. I have Kerry down variously as "Sen. Carey" and "Rep. Kerry."

About nine o'clock on Sunday night, Conason and I were drinking in the bar of the Manila Hotel when a friend of mine from ABC News told us about the COMELEC defections. The workers who quit in protest were very young, in their teens. The 28 girls and 2 boys weren't really computer operators. They were doing data input. They were kids from poor families and very proud that they'd been to data input school. They didn't seem to be politically motivated and were at pains to describe themselves as unpolitical in a touching, if somewhat garbled, statement they read to the press at the NAMFREL-surrounded church. And they certainly were scared. But their professional dignity had been intolerably injured when the voting data that they'd input did not, as it were, outcome.

Joe and I actually sent Bea Zobel to get members of the international election observer delegation, headed by Colombia's Misael Pastrana and John Hume, from Northern Ireland. Before we'd gone to the bar, Joe and I had been at a press conference at the Manila Hotel, listening to Pastrana and Hume denounce vote fraud by Marcos. But when Zobel arrived the only election observer she could find was Kerry, having a late dinner. Zobel was gone for a long time. She said Kerry was "curt" and refused to leave until he'd finished his meal and then only reluctantly returned to the church with her.

From my journal: "Gets there & never talks to Comelec girls. Boy is ball-less. Joe and I finally push forward & tell Kerry it was us (1 Dem. & 1 Rep.) that called for him (we also heard, Comelec girls wanted Observers called). That it was Joe & me seemed to make a big difference to Kerry. Who still did f—-all."

What I meant by "seemed to make a big difference" was that Kerry's ears perked right up when he heard his name called by members of the press. His reaction was to turn to us and say, magisterially, "No interviews, boys." We explained that we had no interest in interviewing him and suggested that he provide some reassurance to the frightened conscientious objectors from COMELEC.

Now, with benefit of hindsight, I think I can tell you why Kerry didn't do so. He was caught in Kerry-ish calculation—an ambitious young senator on his first important bipartisan delegation with its delicate mission of neutrality. Cory Aquino was very popular. But so was President Reagan. Which way to have it? Why, have it both ways! So Kerry was firmly behind Pash Commit of Flips to Dem, up to a point. Just as today Kerry is brave sailor/bold war protester; foe of Saddam/friend of Hans Blix; political underdog/entitled nominee; big government liberal/corporate tax-cutting conservative; rider of Harleys/marrier of Heinz; and, incidentally, still a real jerk. ♦

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The Essential Bremer

What the American administrator in Iraq has accomplished. BY FRED BARNES

Baghdad

IN THE BEGINNING, no American funds were to be used for the reconstruction of Iraq. It would be paid for, gradually, out of Iraqi oil revenues. Two months after Saddam Hussein was toppled, the American administrator for Iraq, Paul Bremer, concluded the oil plan wouldn't work. He asked for $5 billion to $7 billion to rebuild Iraq's crumbling and looted infrastructure. The White House was shocked and said this was too much. Take another look at what's needed, Bremer was told. He did and came back with a request for $22 billion. Bremer had a strong ally on his side, President Bush. So the White House swallowed hard and cut the request to $20 billion. Congress trimmed it to $18.4 billion. The reconstruction money begins flowing into Iraq this spring, with the promise of one million to two million new jobs for Iraqis and a jump-started economy.

That episode demonstrates Bremer's clout. More than anyone in Washington, including Bush or Pentagon officials, he shapes policy in Iraq. And it is an ambitious policy—the creation, in Bremer's phrase, of a "new Iraq." The president's confidence seems to have emboldened Bremer. Ask about Bush and Bremer and every White House aide gives the same answer: "The president likes Bremer." On reconstruction funding, Bremer insisted that none of it be a loan saddling a democratic Iraqi government with more debt. The White House was persuaded, fought against a loan, and won. Bremer, 62, usually gets what he wants from Washington.

But there are limits to getting what he wants from Iraqis. A year after Saddam was ousted, Bremer follows a simple game plan: strategic clarity, tactical flexibility. The prize in this game is a free and democratic Iraq at peace at home and with its neighbors. Exactly how Iraq arrives there is less important than getting there in a timely fashion without jeopardizing the goal itself. Bremer has retreated when necessary. He backed down from demanding Iraqis draft a permanent constitution before the Coalition Provisional Authority, which he heads, hands over sovereignty. But he refused pleas to keep the Iraqi army intact and use it as a police and security force. Despite terrorist attacks, Bremer has no regrets about that decision.

His most controversial decision—to disband Saddam's army—was right. This was the army that brutally oppressed the Shia and Kurds.

One measure of Bremer's extraordinary success is that his selection has numerous fathers. State Department officials claim he was their pick. In truth, Bremer's name was suggested to Defense Secretary Donald Rumsfeld by his deputy, Paul Wolfowitz. Rumsfeld sold it to Bush, who didn't know Bremer, and to others in the administration. Bremer was a well-known terrorism expert who'd worked for Henry Kissinger both in government and as a director of Kissinger Associates. What wasn't known was Bremer's political skill. He has the ideal qualities. He's relentlessly cheerful and upbeat, but serious and tough at the same time.

The best way to judge Bremer is to look at his most significant decisions. Here are a half-dozen of them:

* DE-BAATHIFICATION. This was a no-brainer. Barred from serving in the new government was anyone in the top three layers of the Baath party or the top four layers of a ministry in Saddam's regime, roughly 1.5 million Iraqis. In Iraq, this has been Bremer's most popular decision. The Baathists were Stalinists responsible for the disappearance of well over one million of their fellow Iraqis. Now Iraq has "an Adenauer problem." In postwar Germany, Konrad Adenauer quickly emerged as a national leader. No strong leader has stepped forward in Iraq. Exiles like Ahmad Chalabi have no political base. Unlike Afghanistan, Iraq had no king or Hamid Karzai to tap for leadership. Grand Ayatollah Ali Sistani, the Shia leader, has political influence but doesn't want direct political power.

* DISBANDING SADDAM'S ARMY. This was Bremer's most controversial decision. Despite an $80 to $120 monthly stipend depending on their rank, some former soldiers joined what the press euphemistically calls the "insurgency" against the United States. But Bremer was right to dismiss them. For one thing, the army had spontaneously dispersed in the face of the American invasion. To reconstitute it, the officers, many of them Sunnis aligned with Saddam, would have had to be called back. Besides, this was the army that had brutally oppressed the majority Shia and the minority Kurds, who would have rebelled against its return. Kurdish leader Massoud Barzani told Bremer disbanding the army was as important as the capture of Saddam. Indeed it was.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

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★ THE NOVEMBER 15 AGREEMENT. This is the best example of Bremer's tactical flexibility. He dropped his plan for provincial caucuses to elect an interim government that would write a permanent constitution, to be followed by the turnover of sovereignty and a democratic election. Bremer yielded to political reality. Both Sistani and the appointed Iraqi Governing Council wanted sovereignty sooner. Bremer traveled to Washington and met one-on-one with the president before approving a new plan with transfer of sovereignty on June 30. The election of a new government will be held sometime before next January 31. Iraqis may not be ready to rush to democracy. Certainly Falluja isn't. But Bremer and Bush believe delay could be worse.

★ SAYING NO TO PRIVATIZATION. This may be Bremer's worst (though understandable) decision. The privatization of Iraq's oil industry was always off the table, if only for fear that Washington would be accused of going to war for oil. Bremer believes, however, that oil production could be doubled if the new Iraqi government seeks help from private companies. Also for political reasons, dollarizing the currency was rejected in favor of issuing a new currency without Saddam's picture on the bills. And to avoid worsening unemployment, the 200 or so nationalized enterprises with 500,000 employees haven't been cut loose. Nor have the massive subsidies for gasoline, food, and energy been eliminated. Bremer intends to trim the subsidies by June 30, when he leaves. But privatization has essentially been left to the government elected next year. So the prospects for full privatization are uncertain.

★ THE INTERIM CONSTITUTION. This was a political breakthrough engineered by Bremer. He stood firm on minority rights and no Islamic law while overseeing the drafting of the constitution. When Sistani complained and five of the 25 members of the Iraqi Governing Council balked, Bremer left it to the council to reach agreement. They finally did. Sistani, by the way, doesn't meet with Bremer or other coalition officials. But Bremer has effectively communicated with him since last May through intermediaries. On the constitution, it was Sistani who backed down.

Paul Bremer

Earl Keleny

★ THE UNITED NATIONS. Bush and Bremer favor a U.N. role in Iraq for the specific purposes of organizing the election and giving the new government legitimacy. But Sistani and other Shia opposed a U.N. role after U.N. envoy Lakhdar Brahimi concluded a few months ago that a quickie election was impossible. Bremer wanted Brahimi to return and help establish an election process. Security Council approval would bestow legitimacy. Robert Blackwill, a senior National Security Council official at the White House, was dispatched to backstop Bremer, but it was Bremer who persuaded the governing council and Sistani to go along. His cleverest argument was that Iraq would need the U.N. later. Barring it now would put U.N. aid to independent Iraq at risk.

No American official of recent vintage has taken on a task on the scale of Bremer's. It amounts to the creation not just of a government and an economy but of a country. Douglas MacArthur had seven years to achieve in Japan what Bremer is trying to do in less than 15 months. Rich Galen, an American press officer in Baghdad, calls it "MacArthur on steroids." Bremer has won the support of many but not all Iraqis. When an Iraqi journalist told him he was loved by Iraqis, Bremer responded, "Except for those who want to kill me." He's regarded by security officials as more threatened by assassins than even Bush. That hasn't impeded him or the impressive staff of volunteers who've joined him in Iraq. They are rushing to put in place before they leave on June 30 as many elements of a democracy—a securities and exchange commission, a stock market, a public broadcasting system—as they can. Then the future of Iraq will be left to Iraqis. For all the obstacles, I think democracy will prevail. If it does, Bremer will rightly be deemed the father of free Iraq. ♦

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The Politics of Bioethics

In defense of the Kass council.

BY GILBERT MEILAENDER

AT THE END OF FEBRUARY, the White House announced changes in the membership of the President's Council on Bioethics. Anyone who followed the resulting controversy might be forgiven for supposing that the last smidgen of diversity of opinion in the Bush administration had been crushed beneath a desire for ideological conformity. Newspapers, magazines, and bloggers on the web used the news as an occasion to criticize the council. Many researchers and some bioethicists protested the "politicization" of bioethics. A petition circulated among bioethicists piously advised the president: "On controversial issues your council must consist of members with a wide range of opinions in order to provide wise, prudent and effective advice."

Before we consider this recent brouhaha, it will be useful to provide some historical context. In a recent study, *Playing God? Human Genetic Engineering and the Rationalization of Public Bioethical Debate*, the sociologist John H. Evans analyzed the forces that altered public bioethics in this country during the 1980s—a transition from a bioethics that focused intensively on the meaning of our common humanity, on the goals that we should pursue in any transformation of human nature, to a bioethics that largely assumed certain goals and focused simply on the best means to reach those ends.

This shift was not universal. Thus, for example, Daniel Callahan, as distinguished a bioethicist as there has been over the last 40 years, has written that Evans's argument "needs to be taken seriously by all those who believe that a basic consideration of human ends and biomedical goals has been neglected." But though there are others who share such a concern, many bioethicists did shift the focus of their work, and in *Playing God?* Evans tells a story that accounts for it.

At a time in the early 1980s—just as bioethics was emerging as a profession recognized by universities, hospitals, and even the courts—the scientific research community was worried about the establishment of regulatory commissions, which might have placed limits on developing possibilities for human genetic engineering. And so the researchers joined hands with the newly emerging profession of bioethics in order to prevent a wide-ranging public examination of where biotechnology might be taking us. In order to accomplish this—in order to marginalize participation by those eager to discuss larger questions, and in order to keep elected officials from concerning themselves with these questions—scientists were willing to give an advisory, though clearly secondary, role to some bioethicists. And those bioethicists, in exchange for their place at the table (their place in clinical and research centers, on institutional review boards, and on national bioethics commissions) were on the whole happy to support the cause of advancing science.

Thus, Evans tells a story of professions competing for jurisdiction and political clout. The birth of public bioethics was inextricably intertwined with an attempt to narrow the range of public debate and to keep bioethical questions out of the hands of elected representatives. The aim was to make bioethics the province of a small cadre of experts—however limited their insight might be beyond their range of expertise. That attempt succeeded in large part—until the appointment by President Bush of the President's Council on Bioethics.

For the first time, a national bioethics panel had been established on which there was a wide range of opinion on controverted questions; indeed, it would have been almost impossible for anyone to predict in January 2002 (when its membership was announced and when it began its work) what the council would say about an issue such as research that destroys embryos in order to procure stem cells. This impossibility did not, of course, prevent some from making such predictions. Thus, for example, writing in the *Washington Post* on January 17, 2002, in an article replete with factual errors, Rick Weiss managed to imply that the newly appointed council was not unlike the Taliban against which the United States was fighting in Afghanistan and cited "experts" who surmised that the council might well "legitimize an effort to codify fundamentalist views into law." Arthur Caplan, a bioethicist, seemed assured that the council would "steer nearly exclusively to the right" and took care—unsurprisingly for readers of Evans—to note that there were few bioethicists on the council.

The last observation, at least, was accurate. Thus, for example, among council members were distinguished political scientists such as Francis Fukuyama and Michael Sandel, who had written relatively little about bioethical matters and were certainly not considered bioethicists, but who were prepared to think about the larger human questions raised by advancing biotechnology. There were clinicians and lawyers, and even a journalist (though Charles Krauthammer, trained first as a psychiatrist, is no ordinary journalist). Thus, the formation of the President's Council was an attempt to expand the range of public

Gilbert Meilaender is a member of the President's Council on Bioethics. The views expressed here are his own and do not represent the council.

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bioethical debate. It broke the stranglehold that had been established by researchers and bioethicists in the 1980s—and, unsurprisingly, it brought swift criticism from some of those whose professional status had been undercut.

Indeed, some of those who circulated among bioethicists the petition criticizing personnel changes made for the council's second term, had been among those predicting in January 2002 that the council would be ruled by ideological conformity. When it turned out that the council was, in fact, a highly diverse—even contentious—group, few of these critics took the occasion to offer a public *mea culpa*.

One of the two council members not renewed for its second term, William F. May, whom I consider a mentor and whose presence on the council I will miss, had himself spoken of serving for only two years, but he will continue to serve the council as a senior consultant. It was very peculiar to read in news reports (such as that by Peter Gorner in the *Chicago Tribune* of March 4, 2004) that May and fellow council member Elizabeth Blackburn "had clashed frequently with more conservative panel members, including chairman Dr. Leon Kass." One wonders whether Gorner actually read transcripts of council meetings, and, in any case, it is almost bizarre for anyone who knows May to picture him as "clashing frequently" with others. To be sure, he was a cautious supporter of embryonic stem-cell research, but hardly one with whom those with other views would have thought of themselves as "clashing."

The other member who was not renewed, Elizabeth Blackburn, a distinguished researcher in cell biology, had been absent from roughly half the council's meetings. Given that fact, it hardly seems necessary for the White House to justify its decision to turn elsewhere. Moreover, since these developments broke, Blackburn has been quoted as suggesting that several council reports carry the "strong implication . . . that medical research is not what God intended." Such unnuanced and careless comments, which are not unlike other things she has said in print about the council's work, suggest that the White House acted unwisely. In one of the many angry pieces Blackburn has written since her non-reappointment, she opined that scientific research "is defined by the quest for truth." We can all hope that is generally the case, but anyone who has read Evans's account must also know that some demythologizing is in order. Scientists are no less drawn to power, and have no fewer agendas, than others. Indeed, years from now, when the full story of the council's work can be adequately told, I suspect it will be clear that ideological conformity has been sought at least as fervently by scientists as by any other group in our society.

Consider, for example, the report entitled *Scientific and Medical Aspects of Human Reproductive Cloning*, issued by the National Academy of Sciences in 2002, just months before the release of the council's report, *Human Cloning and Human Dignity*. The academy discusses—and disapproves because of risk of harm—what it calls "reproductive cloning," that is, producing a cloned embryo, implanting and gestating it, and bringing to live birth that cloned human being. Having argued that such reproductive cloning is for now unsafe, however, the academy's report asserts that "there is a very different procedure, here termed nuclear transplantation to produce stem cells . . . whose aim is the creation of embryonic stem cells (ES cells) for clinical and research purposes."

This is, I fear, more sleight of hand than quest for truth. The two purportedly very different procedures begin, in fact, with precisely the same act—the cloning of a human embryo. The academy's verbal gymnastics have the effect of redescribing this act entirely in terms of the motives or goals of the agents, and it is, I think, a redescription carried out much more for political purposes than for rigorous pursuit of clarity and truth. Charges of the "politicization" of science emanating from such quarters ought to be met with considerable skepticism.

The larger and more important point that should concern us, however, goes well beyond particular individuals, reports, or committees. It is about bioethics and politics. Whatever is said by those who would like to reestablish the alliance between bioethicists and scientists—an alliance designed to contain these questions within a narrow framework—bioethics *should* be a political matter. Many of the most significant issues in bioethics force us to contemplate what it means to be human—which is something that concerns us all. Bioethical issues are matters that ought to involve our elected representatives. They are not, in the most fundamental sense, technical questions on which only experts may comment; they are questions about who we are, where we are going, and what sort of people we want to be.

So here is the irony of it all: Those who charge that the White House has "politicized" bioethics are right, though hardly in the way they suppose. These critics want to keep bioethics out of public debate, to keep it the private domain of a small group of experts. The last thing they want is for the public to begin to have a say in these questions. And those charged with "politicizing" bioethics do indeed want just that, but hardly in the sense their critics intend. They view these questions as the concern of all of us—as the very stuff of democratic discourse.

In that public discussion, experts do, of course, have a role to play. But they should take care to see that their role informs the public discussion and illumines its contours (as, for example, the council's report on *Human Cloning and Human Dignity* did, when it set out in detail opposing arguments on the issue of cloning embryos for research). After all, our ultimate bioethics commissions should be the bodies we call *legislatures*; for it is there that the people themselves, through their representatives, should strive to think about these questions in rich and varied ways that do justice to the full meaning of our humanity. ♦

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Science Fiction

The Bushies aren't perfect, but the scientists are worse. BY SALLY SATEL

SCIENCE POLICY-WATCHERS now have the President's Council on Bioethics in their crosshairs. As the council has Bush's ear on issues such as stem-cell research, many scientists complain that the council's membership, revised at the end of February, tilts too far to the pro-life, anti-therapeutic cloning right.

But questions of the Bush administration's scientific integrity have been in the air for several months. In mid-February the Union of Concerned Scientists released a report titled *Scientific Integrity in Policymaking: An Investigation into the Bush Administration's Misuse of Science*. Last August Rep. Henry Waxman, ranking Democrat on the House Committee on Government Reform, weighed in with his own report, *Politics and Science in the Bush Administration*.

Both documents charge that the Bush administration had "manipulated the scientific process . . . generating unprecedented criticism from the scientific community" (as the Waxman report put it). What are we to make of this allegation?

Some of the accusations seem valid. If, as persuasively alleged, the National Cancer Institute website was changed to say that women who undergo abortions have a greater chance of developing breast cancer, then medical reality was indeed distorted. (There is, in fact, no connection.) And if the Centers for Disease Control removed accurate details regarding condom use in preventing HIV and replaced them with information about the virtues of abstinence, this would seem to be a wrongheaded and regrettable purging of health information.

Both reports also question the composition of scientific advisory panels. Specifically, they raise the case of psychologist William R. Miller, an addiction researcher at the University of New Mexico under consideration in 2002 for a slot on the scientific advisory committee of the National Institute on Drug Abuse. I personally recommended Dr. Miller and was dismayed when an HHS "vetting" aide asked me about his views on abortion and whether he had voted for Bush. In my opinion such factors are unrelated to his ability to evaluate research evidence, but Dr. Miller may have given the "wrong" answers because he was not offered the position.

But unmentioned in the critical reports is that views on abortion and voting habits were not the only criteria the Bush White House had in mind. The aide also asked me to recommend researchers who were Hispanic, African American, or female. These traits are similarly irrelevant to analytic abilities but are not ones I have heard Waxman or the Union of Concerned Scientists complain about. They could not do so and still claim with a straight face, as the UCS does, that the Clinton administration applied no litmus tests in filling scientific panels. Theirs were just litmus tests of a different, liberal kind.

It is common knowledge that academic experts in behavioral and public health and the environmental sciences are, on average, left-leaning. After September 11 the first point of the "Guiding Principles for a Public Health Response to Terrorism" put out by the American Public Health Association—the major professional organization representing public health academics—was not surveillance issues in biological warfare but an injunction to "address poverty, social injustice and health disparities that may contribute to the development of terrorism." Much of the research on social problems, such as teen pregnancy, crime, addiction, "environmental justice," and "racism" (the latter explicitly designated on solicitations for HHS grant proposals) is conducted by academic psychologists. Their liberal tendencies have been amply documented in professional surveys on party affiliations among academics.

Opportunities for conflict between a conservative administration and left-of-center academics are thus greater than under liberal political leadership. But that doesn't mean that advisory groups are any more politicized now than before.

In 2001, for example, when I joined the advisory committee at the federal Center for Mental Health Services, I was the only member who did not fall into lockstep agreement with my fellow advisers, all Clinton-era holdovers, that activist groups should be given government funding to pursue the clinically irresponsible mission of discouraging severely ill psychiatric patients from taking their medications.

So it is little coincidence that the reports attacking Bush in an election year come from entities with impeccable liberal credentials. The Union of Concerned Scientists is pro-Kyoto protocol, anti-nuclear weapons, and strongly critical of genetically modified food. Henry Waxman is a liberal icon in the House. Nonetheless, they have shed light on an important issue: how science advisory committees should work.

They should shun litmus tests, strive for balance, make deliberations transparent, and disclose possible conflicts of interest. More important is the need to be concerned about what Michael Crichton calls "consensus science." In a 2003 lecture at Cal Tech, the physician-anthropologist-filmmaker-science

Sally Satel is a resident scholar at the American Enterprise Institute.

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writer cautioned that when scientific uncertainty is especially great—as in differing models of global warming scenarios—agreement can be deceptive: It can simply mean that all scientists chosen for a committee happen to endorse one of several plausible, though ultimately incorrect, models.

In a striking example of consensus substituting for science, Crichton cites the secondhand smoke issue. In 1993 the EPA under Carol Browner announced that secondhand smoke caused 3,000 lung cancer deaths a year. The evidence at the time clearly did not support the claim that secondhand smoke was carcinogenic, yet the EPA rated it as a Class A carcinogen, meaning it was a proven cancer-causing agent in humans. "Eighteen well-respected scientists looked at [our report and] agreed with the conclusion [the EPA] reached," Browner said. Five years later a federal judge held that the EPA "disregarded information and made findings on selective information."

No wonder Crichton regards consensus science as "extremely pernicious . . . a way to avoid debate by claiming the matter is already settled." The key to protecting the advisory process from being hijacked by consensus, he suggests, is to separate the generation of findings from their verification. By having discreet teams of scientists who check each other—one to decide how to gather the data, another to actually gather them, and yet another to analyze them—the advisory process would have more built-in opportunities for self-correction.

The indignation now aimed at the Bush administration for spinning its science or tilting its committees is highly selective. The reality is that other administrations have done so too, just spinning in the other direction. Both are wrong. Scientific panels need to be constructed to ensure that biases of all kinds are, as much as possible, kept out. ♦

Things Fall Apart . . .

And the Arab League summit isn't held.

BY MARC GINSBERG

THE ARAB LEAGUE summit scheduled to begin in Tunisia on March 27 abruptly collapsed in disarray. Just as most of the league's 22 leaders—including a delegation from the Governing Council of Iraq—were preparing to head for Tunis, Tunisian president Zine el-Abidine ben Ali pulled the plug. The summit, its agenda ripe with controversy, would have unfolded against a backdrop of Arab emotions inflamed by Israel's assassination of Hamas leader Sheikh Ahmed Yassin, the escalating uncertainties of Iraq's future, and pressure from Washington to democratize. Nevertheless, when the red carpet was unexpectedly rolled up, it sent shock waves throughout the Arab world.

Recriminations have been flying fast and furious. President Hosni Mubarak of Egypt publicly accused the Tunisians of acting in bad faith. The Tunisians blamed the Egyptians and the Saudis. Arab television and newspapers are having a field day unloading on the region's leaders for the fiasco. Meanwhile, Arab foreign ministers are scurrying around Middle East capitals trying to pick up the pieces and get the meeting rescheduled.

Ordinarily, the implosion of an Arab League summit would raise few eyebrows in Washington. Since the organization's founding in 1945, these affairs have tended to showcase Arab disunity. From the Khartoum Summit that issued the infamous, and toothless, three "no's" after the 1967 Middle East war (no negotiation, no recognition, no compromise) to the Beirut summit that endorsed a stillborn Arab-Israeli peace plan two years ago, league extravaganzas have been short on action and long on grandiosity. Ironically, this record has only contributed to the Arab masses' despairing sense that their leaders have little sway over regional events.

But the Tunis summit was important to the Bush administration and to a growing cadre of courageous Arab democrats and dissidents: For the first time in its 69-year history, the Arab League was actually planning to debate real democratic reform.

Even getting the issue onto the agenda of a meeting that fell through should be viewed as a victory of sorts for the United States. Until the terror attacks of September 11, the United States showed little interest in Arab democracy, preferring to work with Arab autocrats. But the roots of Islamic radicalism, as Americans have come to understand, lie in the stagnation of Arab economies and the failure of Arab regimes to reform their societies and permit more freedom. As President Bush said in his landmark November 6, 2003, speech commemorating the 20th anniversary of the National Endowment for Democracy, Arab rulers "should ask themselves whether they will be remembered for resisting reform, or for leading it." In that speech, Bush committed the United States to a new "forward strategy of freedom in the Middle East."

Just weeks before the planned summit, however, the London-based Arab daily *Al Hayat* published a bootlegged

Marc Ginsberg, U.S. ambassador to Morocco in the Clinton administration, is managing director of Northstar Equity Group, an affiliate of APCO Worldwide in Washington, D.C.

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copy of the Bush administration's new "Greater Middle East Initiative," the strategy that was supposed to be unveiled in June at the Group of 8 Industrialized States meeting in Georgia. Its premature publication set off predictable criticism from Arab autocrats, who denounced it as a Washington-dictated "one size fits all" program. The loudest protests came from Washington's two principal allies, Egypt and Saudi Arabia, nations where democracy and reform are in very short supply.

EPA / Landov / Salah Ibrahim

The foreign ministers of Sudan and Saudi Arabia at an Arab League meeting in Cairo, March 1

With the initiative already under attack and off the summit's agenda, U.S. officials were resigned to settle for half a loaf, hoping that the summit would embrace a call for democratic change that, however tepid, might push the region toward greater freedom. It is too early to tell how much Arab democratization was set back by the summit's cancellation. But judging by the jockeying that took place, it was not a great day for Arab democrats.

From the moment Arab foreign ministers arrived in Tunis for their presummit preparatory meetings, things began to spin out of control. The ministers could not agree on a timetable or agenda. The bickering over how to address democratization divided countries into two camps. One, led by Egypt, Saudi Arabia, and Syria—the three most important Arab League states—resisted a broad reform agenda. The other, led by Morocco, Jordan, Tunisia, and several similarly reform-minded Persian Gulf states, asserted that the threat of Islamic terror, which targets Arab as well as Western regimes, demanded a concrete reform agenda, whether instigated by Washington or not.

Regrettably, too many Arab rulers have had their heads in the sand, ignoring demands from their people for change, ignoring the growing threat to their regimes from Islamic extremists. They naively thought a steady stream of charitable donations to the radicals, coupled with a hefty dose of anti-Americanism, would insulate them against terrorism. But no longer. Homegrown Islamic terrorists have now struck in Morocco, Algeria, Tunisia, Saudi Arabia, Yemen, Jordan, and, of course, Iraq. And the emergence of al Qaeda-like splinter groups throughout the Middle East poses a clear and present danger to regimes aligned with Washington. Hiding behind the status quo is no longer a viable option. By refusing to act—by rejecting internal reform as a threat to their own autocratic rule—Arab leaders play right into the radicals' hands.

The league's Tunis debacle highlights its increasing isolation from the 350 million Arabs it represents, who are clamoring for a new deal from their fearful leaders. It also highlights, by contrast, the success of the courageous independent Arab reformers who met in Alexandria, Egypt, in March to issue an inspiring proclamation calling for human rights and democratization throughout the Arab world.

The Alexandria Declaration, which can be read at *arabreformforum.com*, endorses the separation of legislative and executive powers, the loosening of restraints on the media, and legalization of political parties, as well as the abolition of emergency laws, political crimes, and state security courts. The conferees also announced that a continuing "Arab reform forum" will monitor progress in the region.

Plainly, empowering Arab democrats to produce change inside their own societies is an essential strategy against Islamic radicalism. The reluctant autocrats of the Arab League simply cannot be allowed to dictate the terms of engagement in the battle against extremism. ♦

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The Economy and the Election

If the past is any guide, Bush looks formidable.

BY JAMES PIERESON

THE STATE OF THE ECONOMY is looming, as it always does, as a key issue in the presidential election. The Democrats are hammering President Bush for some 2 million jobs "lost" during his tenure in office, and for the sluggish rate of job growth during the current recovery. These attacks appear to have struck a chord with the public, eroding the president's approval rating and elevating the jobs issue to a central role in the campaign.

President Bush, of course, can make a good case in his own behalf. His policies, he argues, especially his tax cuts, have put the economy on a path to recovery. The economy grew at a 3.2 percent clip in 2003, and independent forecasters are expecting growth of 4.5 percent in 2004. Last week the Labor Department reported that the economy created 308,000 new jobs during the month of March, the most since April 2000. This new report suggests that the expansion which began two years ago is beginning to generate large numbers of new jobs.

If we consult history and longstanding patterns of voter behavior, there is every reason to think that the economy is going to work strongly to the president's advantage (see chart). But will those patterns hold true this year?

Of course the economy is not the only issue that decides presidential elections. War and peace, and foreign policy crises of various kinds, have frequently been decisive as well. In 1952 and 1968, for example, the interventions in Korea and Vietnam were the key issues in the campaigns, and, indeed, forced incumbents Harry Truman and Lyndon Johnson into retirement, even though in both years the economy was strong and unemployment very low. This year the war on terrorism, and the intervention in Iraq, may be even more important than the economy in shaping the outcome of the race for the White House.

Still, it is probably safe to say that an incumbent president cannot hope to win reelection in the face of a weak economy, even though he may be able to point to important achievements in foreign policy. In the modern era, three incumbent presidents (Ford, Carter, and Bush) have been defeated for reelection, and in each case a weak economy was the chief reason.

Jimmy Carter's economic record was the weakest of any incumbent since Herbert Hoover. During the first three quarters of 1980 the U.S. economy contracted by nearly 4 percent in real terms; the unemployment rate hovered around 7 percent during the campaign, and inflation that year exceeded 10 percent.

The economic situation in 1980 was far worse than it was in either 1976 or 1992 when Ford and Bush were defeated for reelection. In each of these cases, the economy was growing, albeit too slowly to generate much in the way of job or income growth. The incumbents had to deal with unemployment rates that were well over 7 percent, and with a perception, promoted by their opponents, that they were out of touch with the difficulties of ordinary Americans. Ford faced the additional disadvantage of having been appointed, rather than elected, which diminished the advantage of incumbency. Yet, despite these troubles, Ford lost his reelection bid by a very narrow margin (51 percent to 49 percent), and George Bush lost to Bill Clinton in a race that many felt he should have won.

The fact that Presidents Ford and Bush might have won those races suggests that the unemployment rate is probably overstated as a deciding factor in presidential campaigns. Presidents Nixon and Reagan were re-elected in historic landslides despite fairly high unemployment rates. In Nixon's case, unemployment averaged 5.6 percent during 1972; and in Reagan's case it averaged 7.5 percent in 1984. Clinton won reelection by a comfortable margin with an unemployment rate of 5.4 percent—which is very close to where it is today.

The key factor seems to be not what the unemployment rate happens to be during the election campaign, but the direction of the overall economy. If voters are persuaded that things are improving, they will overlook a high unemployment rate in the belief that it will soon be falling. Voters, that is, appear to be more oriented to the future than to the past. Unemployment, moreover, affects just a small fraction of the electorate, while broader factors such as inflation or income growth affect everyone.

Where, then, does the economy stand as we move into the 2004 campaign? The recent "Blue Chip" forecasts that came up with the 4.5 percent real growth figure for 2004 is a survey of more than 50 independent economic forecasters. They expect slightly over 3 percent growth for the first three quarters. Inflation is expected to hold steady at around 1.9 percent. The prime rate of interest, currently 4 percent, is predicted to increase slightly to 4.5 percent by the end of 2004. The unemployment rate, 5.7 percent as of March, is expected to fall nearer to 5 percent by November. The economy is growing at a healthy clip, and is expected to continue to do

James Piereson is executive director of the John M. Olin Foundation.

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so into 2005—at least according to the forecasters.

Will this be good enough for Bush to win? As it happens, Ray C. Fair, a professor of economics at Yale University, has developed a statistical model that employs just a few economic variables to make accurate predictions of the presidential vote. His model, first outlined in 1978 in *The Review of Economics and Statistics*, was initially tested against all presidential elections since 1916. Fair has adjusted and refined the model over the years, and has offered his own predictions (based on his model) for impending presidential races.

His original model was designed to predict the two-party division of the popular vote based on two variables: the percentage change in real per capita Gross Domestic Product (GDP) during the first three quarters of the election year and the annualized change in the rate of inflation (as measured by percentage change in the Consumer Price Index) during the first 15 quarters of the incumbent's term (that is, from the incumbent's inauguration to September 30 of the election year). Though Fair experimented with other variables, such as the unemployment rate, he found that these two provided the greatest predictive power.

In applying his model to successive elections, he observed that while it was accurate in most cases, it was very wide of the mark in predicting the outcome of the Clinton-Bush-Perot three-way race in 1992. The model predicted, prior to the election and based on the economic conditions then prevailing, that Bush would win by a wide margin, with around 54 percent of the two-party vote. The economy during 1992, while not growing rapidly, still expanded at a rate of 2.2 percent (real GDP per capita) with very low inflation. These conditions should have been sufficient to give Bush a comfortable victory. Instead, he lost by about the same margin by which he was expected to win.

Year	Democrat / Republican (Incumbents in boldface)	Incumbent Party's Share of Vote (excluding third-party votes)	GDP*	Unemployment**
		(50%)		
1932	Roosevelt / **Hoover**	40.8%	-14.6 %	23.6 %
1936	**Roosevelt** / Landon	62.5	11.7	16.9
1940	**Roosevelt** / Wilkie	55.0	3.6	14.6
1944	**Roosevelt** / Dewey	53.8	4.4	1.2
1948	**Truman** / Dewey	52.4	2.9	3.8
1952	Stevenson / Eisenhower	44.6	0.8	3.0
1956	Stevenson / **Eisenhower**	57.8	-1.4	4.1
1960	Kennedy / Nixon	49.9	0.4	5.5
1964	**Johnson** / Goldwater	61.3	5.1	5.2
1968	Humphrey / Nixon	49.6	5.1	3.6
1972	McGovern / **Nixon**	61.8	6.1	5.6
1976	Carter / **Ford**	48.9	4.0	7.7
1980	**Carter** / Reagan	44.7	-3.6	7.1
1984	Mondale / **Reagan**	59.2	5.6	7.5
1988	Dukakis / Bush	53.9	2.3	5.5
1992	Clinton / **Bush**	46.5	2.2	7.5
1996	**Clinton** / Dole	54.7	2.7	5.4
2000	Gore / Bush	50.2	1.6	4.0
2004	Kerry / **Bush**	?	3.3	5.7

*The GDP figure shows the real change in GDP for the first three quarters of each election year. With the exceptions of 1932, 1956, and 1980, the economy expanded during presidential election years, though in some cases too slowly to give aid and comfort to incumbents. It is worth noting, in connection with the concerns expressed about the current unemployment rate (5.7 percent), that unemployment never sank below 5 percent in any of the seven presidential elections from 1972 to 1996.

**Average monthly unemployment rate shown for each election year.

SOURCE: fairmodel.econ.yale.edu; Bureau of Labor Statistics

Philip Chalk

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Why such a large error for this particular election? Fair noted that, while the economy was expanding during the election year, overall growth had been very slow throughout Bush's four-year term. There were few quarters of robust growth; and there was a mild recession in 1990 and 1991. The lack of good economic news during Bush's term may have generated a sense of gloom or pessimism about the economy that could not be dispelled by modest growth during the reelection campaign. Perhaps voters had formed an assessment of the economy over the entire term and were less influenced by the short-run news than assumed by the original model.

On the basis of such reasoning, Fair added a "good news" factor to his model which he defined as the number of quarters during an incumbent's term in which real GDP expanded by an annual rate of more than 3.2 percent. Such growth would certainly qualify as robust, and would be highlighted to the public by the president and his economic team. On the other hand, in the absence of such good news, an incumbent will be placed on the defensive by a challenger who will link a weak economy to his opponent's ineffective policies. Fair suggests this is what happened to George Bush in 1992, since he could point to only two quarters of good economic news during his entire term (the first quarters of 1989 and 1990), while he presided over several quarters of weak or negative economic reports.

Fair's model thus predicts the incumbent party's share of the two-party vote using three economic variables: (1) growth in real GDP per capita during the first three quarters of the election year; (2) the average increase in the rate of inflation over the 15 quarters of the presidential term up to the election; and (3) the number of quarters during the term in which growth in real GDP per capita exceeded 3.2 percent.

Testing his model against election results from 1916 through 2000 (22 elections), he reports that all of these factors have an effect on the outcome. For every 1 percentage-point gain in real GDP, the incumbent gains .69 percent of the vote, and for every "good news" quarter, he gains .84 percent of the vote. Inflation has the opposite effect: For every 1 percentage-point increase in inflation, the incumbent party loses about .78 percent of the vote.

These factors, significant as they are, are nearly matched in importance by the simple fact of incumbency. According to this model, an incumbent running for reelection starts out with an advantage of about 4 points, other things being equal. Obviously, an incumbent has many advantages: He has already won an election; he carries the trappings and symbolism of the presidential office; and he can control the agenda to a certain degree. Incumbency alone may explain why Clinton won reelection in 1996 with a modest economic record, but Gore lost in 2000 with a stronger economy.

What, then, does Fair's model have to say about the outcome of this year's presidential contest?

The news is, in fact, very good for President Bush. In a note posted on his website (*fairmodel.econ.yale.edu*) on February 5, Fair predicts that President Bush will receive 58.7 percent of the two-party vote in November, more than enough for a comfortable victory. This prediction is based on a forecast of 3.0 percent growth in the first three quarters of this year, an average inflation rate of 1.9 percent over the course of his term, and three quarters of economic "good news" through the first quarter of 2004. Since growth is forecast to be strong during the second and third quarters as well, the president's hand will only be strengthened (in terms of this model, at least) as we move closer to the election.

In this case, the conclusions from the statistical analysis accord with those of basic common sense. Incumbents riding a strong economy are always difficult to unseat, provided that they run aggressive campaigns highlighting those favorable conditions. An incumbent president in wartime has other factors working in his favor. The polls suggest nothing like the margin for President Bush that the model predicts, but it is not out of line to expect a fairly decisive victory for the president in November.

Democrats, of course, will point to weak growth early in his term, along with job losses, but these attacks are likely to lose their force as favorable economic news is reported during the campaign. The president, meanwhile, will be able to point to solid economic growth that began in mid-2003 and is expected to continue at least into next year. "Stay the course," he will argue, much as Ronald Reagan did in 1984, stressing that his policies are working.

Yet we know that economic conditions alone rarely decide presidential elections. There is, obviously, the crucial issue of terrorism and the war in Iraq. It is possible to envision both good news and bad news on these fronts. The handover of sovereignty may help stabilize Iraq; more leaders of al Qaeda may be captured; we may be spared further terrorist attacks on our soil. The public might then reasonably conclude that the president's policies are working—in which case it would become all but impossible to defeat him. Still, one must entertain the possibility that events will move in the other direction, in which case the foreign policy questions may overwhelm the economic factors in electoral importance.

Nevertheless, it seems unlikely that the economy will prove an impediment to George W. Bush's reelection. The flurry of attention focused on the export of information technology jobs is but a diversion from the big economic picture, which looks to be highly positive, particularly in light of the March jobs report. Given current forecasts and assuming a sharply focused campaign that highlights recent economic gains, President Bush should be able to use the economy as an asset in his bid for reelection. ♦

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Do We Need More Firefighters?

Why John Kerry lights their fire.

BY ELI LEHRER

Kerry and Schaitberger

Reuters / Landov / Larry Downing

FIREFIGHTERS love John Kerry, and the Massachusetts senator loves them back. The International Association of Firefighters endorsed the presumptive Democratic nominee in September 2003, when other unions had flocked to Howard Dean's banner. When the Bush campaign aired commercials featuring glimpses of 9/11 firefighters, IAFF president Harold Schaitberger declared that his organization would go after Bush "loudly and aggressively" for this "exploitation." While firefighters' financial resources can't come close to matching those of industrial unions or larger government unions, they provide an important source of campaign labor. Because they may work as few as 4 days out of 14, professional firefighters have ample time to canvass, hand out literature, and man the polls. They played a key role in allowing Kerry's more modestly funded campaign to match Dean's Iowa operation.

Schaitberger and his members have every reason to support Kerry. The senator, long a supporter of increased federal funding for fire services, promises IAFF and its comrades-in-arms a federal bonanza if he wins the election: grants to hire 100,000 more professional firefighters across the country, more funding for equipment and training, regulations that would make it easier for firefighters to qualify for disability, and extra money for local emergency planning. It's no coincidence that Kerry appeared before the firefighters' annual convention in mid-March to deliver his first major address on homeland security.

If America's 291,650 professional firefighters want to keep their jobs, indeed, they will need all the help they can get: Despite the heroic image firefighters earned on 9/11, the profession is currently staring into the abyss of obsolescence. Nearly every major city has reduced its firefighting ranks in the last three years, and, while federal grants to fire departments will remain at nearly double the levels of 2002, the Bush administration has proposed a fiscal 2005 budget that would give firefighters less federal aid than they got in 2004. Firefighting cuts at the local and federal levels make good sense because professional firefighting has become almost boring. New building practices, technology, professional emergency management, and exigencies of homeland security are sending firefighters the way of blacksmiths and slide-rule manufacturers.

The "structural blazes"—buildings on fire—that most firefighters train to deal with no longer constitute a major problem in much of the United States. Between 1977 and 2002 (the period for which comparable data are available), the National Fire Protection Association reports that the number of fires declined from 3.2 million a year to 1.6 million a year, while fire-related deaths fell from 7,400 to 3,400. Inflation-adjusted fire-related damage fell about a quarter even though real-estate values increased more than overall inflation, population rose 20 percent, and real GDP more than doubled. Arson, a major problem in many inner-city neighborhoods during the 1970s, nearly vanished as a major social issue. Fires in hotels and motels, which killed over 100 people a year as recently as the late 1960s, have become so rare the U.S. Fire Administration no longer keeps statistics on them. Were it not for a sizable increase in wildfire damage—resulting from timber management practices—the statistics would look even better.

While the U.S. Fire Administration claims that America has one of the highest fire rates in the industrialized world, the claim is simply false. According to the World Fire Statistics

Eli Lehrer is associate editor of The American Enterprise.

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Center, the United States actually has the second smallest fire problem (measured in relation to GDP) among G-8 nations. Although it historically was near the high end (while lower than countries like Japan, Denmark, and Ireland), America's fire death rate has dropped to levels squarely in the middle of the major developed countries. Fair-sized cities like Irvine, California (population 145,000), have gone months without a single "working fire" that required firefighters to hook up a hydrant. Fire departments, indeed, now exist mostly as ambulance agencies; most major cities require that firefighters gain paramedic certification.

Despite having less to do, professional firefighting ranks have grown slightly faster than the population. While nobody keeps national statistics on calls for Emergency Medical Services, New York, Chicago, and Houston report that three out of four emergency calls to fire departments involve EMS rather than fire, a pattern that appears to hold for professional fire departments across the country. Looking for new tasks, fire departments have branched out to running citywide call centers (Los Angeles) or bicycle safety programs (Phoenix), and even handing out advice on babysitting (Downers Grove, Illinois).

The lack of fires stems from a confluence of felicitous trends. Smoke detectors (installed in over 90 percent of homes), better building codes, and sprinkler systems make the most difference. Highly flammable apartment buildings with wooden siding, the single most common form of urban housing as recently as 1940, have vanished in most of the country. Sprinkler systems, which have about the same installation cost as wall-to-wall carpet, also save thousands of lives: It has been at least 20 years since more than one person has died in any ordinary fire in a building with a sprinkler system. Better navigation and communication systems along with E-911 services (which transmit callers' locations to emergency operators) have let fire departments respond faster when fire breaks out. Better understanding of the physics of fire—a notoriously complex field—has made it easier to stop fires from spreading out of control. Even at Ground Zero, the fires were under control within 24 hours of the first airplane impact. Firefighters complain about "understaffing" and failure to meet standards (created by firefighters themselves), but America has shown enormous success in fighting fire.

Despite its success, firefighting never emerged as a discrete profession. About 70 percent of America's firefighters are volunteers or part-time workers. Localities as substantial as Rockville, Maryland, Ithaca, New York, and Pasadena, Texas (population 125,000), do just fine with fire-fighting dominated by volunteers. Only about 40 percent of Americans live in areas with all-professional fire departments. Perhaps because of their lack of professional identity, firefighters have retained attitudes appropriate to a nation with a much larger fire problem: While the last decade has seen the growth of civilian emergency managers who help communities plan for evacuations and mitigate disasters, firefighters still focus on increasingly rare major structural fires. Nearly all fire departments, indeed, respond to car accidents with expensive, lumbering equipment designed to fight structural fires.

Kerry's proposal to hire 100,000 firefighters at federal expense borrows from Clinton's proposal to hire 100,000 police officers. However crime rates at the time were near historic highs.

The way fire departments spend Bush administration grants gives a good sense of how Kerry's proposal would turn out. Over 90 percent of federal Assistance to Firefighters grants pay for "operations and firefighter safety" and "fire vehicles"—essentially, the purchase of new fire apparatus and protective gear. Less than 2 percent of funds go for planning efforts to mitigate attacks, the most effective homeland security action a fire department can take. (Planning works: A major reason 99 percent of civilians at Ground Zero lived is that the World Trade Center had an effective evacuation plan.)

Kerry's proposal to hire 100,000 firefighters at federal expense and provide them with boatloads of new equipment borrows from Bill Clinton's politically successful proposal to hire 100,000 police officers. Clinton, however, proposed a 15 percent increase in police staffing at a time when crime rates sat near historic highs. Plenty of researchers, in any case, have raised questions about the effectiveness of Clinton's COPS program. Kerry, by contrast, proposes an increase of about 35 percent in the ranks of America's professional firefighters at a time when fire appears to have entered a welcome permanent decline.

A few of Kerry's proposals, most prominently his desire to spend a larger percentage of grant money on local emergency planning (something Bush also seeks to do), would help homeland security. A growing wildfire problem that stems mostly from federal land management policies also deserves more federal attention. The federal government might even examine ways it could help the majority of fire departments that have volunteer or pay-per-call staffs, and fund more research on Emergency Medical Services. If one wanted to put to better use the dollars Kerry proposes spending, the money would almost certainly save more lives and property in the form of grants and tax credits for sprinkler systems and smoke alarms. On balance, however, fire does not rank among America's major problems, and firefighters—local workers whose activities by and large are locally funded—don't need more federal largess. ♦

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Not a Diversion

The war in Iraq has advanced the campaign against bin Ladenism

By Reuel Marc Gerecht

"I don't fault George Bush for doing too much in the war on terror, as some do. I believe that he's done too little and done some things that he didn't have to. When the focus of the war on terror was appropriately in Afghanistan and on breaking al Qaeda, President Bush shifted his focus to Iraq and to Saddam Hussein. He pushed away our allies at a time when we needed them the most. He hasn't pursued a strategy to win the hearts and minds of people around the world, and win the war of ideas against the radical ideology of Osama bin Laden."

So spoke Senator John Kerry on March 15. This could, of course, have been Richard Clarke, the former counterterrorism chief, or Zbigniew Brzezinski and Brent Scowcroft, the former national security advisers who often do tandem "realist" critiques. Or it could have been Al Franken, the liberal comedian-turned-less-witty-broadcaster, or Patrick Buchanan, the standard-bearer of conservative blue-collar America. From the far left to the far right, a common theme has developed among those who opposed the Iraq war: The campaign against Saddam Hussein diverted us from the battle against al Qaeda in Afghanistan and beyond. Indeed, the invasion and occupation of Iraq has made, to quote Clarke, "America less secure and strengthen[ed] the broader radical Islamic-terrorist movement."

Of course, this view did not occur to all of the above before March 2003—if John Kerry actually believed back then that the war would imperil America's national security, then his vote for it was inexcusably reckless (Howard Dean's logic was at least impeccable). But retrospective clairvoyance, fortified by a good sense for the jugular, has won the day. If you can collapse the central pillar of the Bush war presidency, the odds are good that you can win in November. Politics aside, do these folks have a point? There are always unintended, adverse consequences to any military action. Could those from the Iraq war be the very ones that Clarke, the "realists," and the antiwar Democrats envision?

Not likely. Point by point, their case actually inverts the reality, often the history, of what has happened in Afghanistan, Iraq, and the rest of the Muslim Middle East. Let us start with the war in Afghanistan, before we get diverted by President Bush's preemptive campaign against Saddam Hussein.

There are certainly legitimate criticisms of the way the administration fought the war in Afghanistan. This magazine made a few, with which the White House took issue. It shouldn't be that hard to see now—it really wasn't that hard to see then—that the Pentagon moved too slowly south, that Defense Secretary Donald Rumsfeld's fascination with "new-age" warfare, where very small deployments of special forces, reinforced with awesome air power and what the British used to call "tribal levies," slowed the campaign at critical points. The real issue was never whether the United States was going to get bogged down in an Afghan quagmire, as did the Soviets in the 1980s and the British (briefly) in 1842. Victory for America, once President Bush made the decision to invade and destroy the Taliban state, was never in doubt. The issue was whether we would rapidly fracture Taliban power in Kandahar and possibly catch al Qaeda in disarray. The military brass chose not to throw much manpower at southeastern Afghanistan, the area bin Laden knew best, and to which, it strongly appears, he withdrew. Doing so surely would have cost many U.S. soldiers their lives, but it probably would have increased the odds of catching Osama bin Laden, his number two, Ayman al Zawahiri, and their inner circle and families. It is impossible to say, however, by how much the odds would have improved. With the possible exception of the deep jungles of the Amazon, the southeastern border region between Afghanistan and Pakistan is the worst area

Reuel Marc Gerecht is a resident fellow at the American Enterprise Institute and a contributing editor to The Weekly Standard.

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imaginable to play a lethal version of hide and seek. You could pour tens of thousands of troops into that terrain and only marginally improve the chances of finding your target.

Which brings us to Iraq. The tactics used in Afghanistan were not predicated on an ensuing war in Mesopotamia. Rightly or wrongly, Rumsfeld likes "new-age" warfare, regardless of the locale. There simply is no serious argument that the actions of the first campaign were diminished by the planning, logistics, and execution of the second a year later.

There is a pretty good case to be made that in 2001-02 the Bush administration didn't seriously pressure Pakistani president Pervez Musharraf to understand the urgent need to move aggressively against the unpatrolled tribal regions bordering Afghanistan. But again, that had nothing to do with Iraq, and everything to do with internal Pakistani politics. And America's second Gulf War certainly did not discourage Musharraf from becoming more aggressive against domestic and foreign holy warriors in 2003–04. It beggars the imagination to believe that al Qaeda's foreign holy warriors and their Pakistani sympathizers want to kill Musharraf for the war in Iraq more than they want to kill him for the war in Afghanistan and his current efforts to extinguish them and their Pakistani base of operations.

It is certainly true, as Clarke and others have charged, that the Bush administration should have done, and still should do, a lot more in reconstructing Afghanistan and in aiding those who want to reform, and eventually end, the warlord system that prevails outside of the capital, Kabul. The holy-warrior camps in Afghanistan that General Musharraf and his predecessors developed for the battle against India in Kashmir—the camps that starting in 1996 came under the control of bin Laden—could come back, particularly if there were a change of heart in Islamabad. If the Bush administration allowed this to develop—and this scenario remains hypothetical—then it would deserve to be damned for shortsightedness and gross negligence. But in the Pentagon, at the State Department, and in the National Security Council, they are well aware of the dangers. It is very hard to see this administration, any administration after 9/11, not doing the minimum necessary to keep Afghanistan from experiencing a Taliban renaissance where jihadist camps could operate.

Let's be honest: It was perfectly clear that the Bush administration was not going to invest massively in Afghanistan way before the White House made the decision to fight in Iraq (it strongly appears that former Treasury Secretary Paul O'Neill actually doesn't know anybody at Defense, for if he did, he would know, as we did, that the decision to fight in Iraq was neither quick nor easy nor foreordained). As Olivier Roy, the renowned French scholar of Afghanistan and Islamic militancy, has pointed out, the average Afghan certainly wanted us to play the *khan*, the overlord who takes care of the family. But this runs against the American grain, be it liberal or conservative. Wipe the Iraq war from history, and it remains hard to imagine Secretary Rumsfeld, the Joint Chiefs of Staff, Secretary of State Colin Powell, or President Al Gore if he were in power, putting tens of thousands of troops and tens of billions of dollars into a country that is, in virtually every way, nondeveloped. It is easy, and maybe wise, to throw large amounts of money and manpower at a developed or even developing country after it's been blown to bits by years of war and civil strife. It is much more difficult, and far less wise, to invest too quickly and too massively in a place like Afghanistan.

Baseline point: The Americans aren't going to run away from Afghanistan—odds are we will be in that country for far longer than we will be, in any force, in Iraq. With a little luck, a bit more money and manpower, and a willingness to play hardball with Pakistan in case it returns to its former ways, Afghanistan will muddle through. Certainly, we won't want to use it as an ideal case study at a Harvard seminar on American-led post-war reconstruction in the third world. But it will do. And by the time we leave, it will be perfectly clear to both Democrats and Republicans that neither the time nor the money the United States spent in Afghanistan had much to do at all with George Bush's decision to invade and occupy Iraq.

Next criticism: What about our allies, the ones critical to our war on terror, whom we've angered and dissed? Have we not, as General Scowcroft predicted in August 2002 and as Senator Kerry regularly reminds us from the stump, just shot to hell the international system? As Scowcroft wrote in the *Wall Street Journal*, "And make no mistake, we simply cannot win that war [against bin Laden] without enthusiastic international cooperation, especially on intelligence." According to the *Washington Post*, Rand Beers, who was President Bush's senior director for counterterrorism, resigned just before the Iraq war because he thought the president's decision to invade had, among other things, "created fissures in the United States' counterterrorism alliances."

Okay, name an important intelligence service in the Middle East that doesn't have a *stronger* liaison relationship with the United States today than it had on, say, the

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day after Kandahar fell? Though the Central Intelligence Agency likes to think of itself as an airtight shop, we all know, given what's happened since the end of the Iraq war, that unhappy employees who don't get the foreign policies they prefer leak. And the senior grades of the Clandestine Service in particular love to leak, especially via their retired friends, when they are upset. Can anybody recall, even in the vaguest way, a planted story about anti-al Qaeda operations getting aborted because an Arab service didn't want to touch us?

Anybody hear about the French DST (internal security) or the DGSE (foreign intelligence) turning off a spigot of information about Islamic extremists? According to a senior French intelligence officer, the first and principal exchange point for the United States and continental European security services is Paris. Does this sound like the French elite (which really would like to see George Bush get demolished in Iraq and John Kerry elected) has a problem with intelligence cooperation? Anybody heard of any problems with the Spanish, who just got scorched, so the theory goes, because of their alliance with us in Iraq? How about the Russians, Pakistanis, Uzbeks, or Chinese?

A pretty good argument could be made that we would be better off if the CIA didn't have such friendly relationships with its counterparts in Tashkent, Cairo, Islamabad, or Algiers; that the short-term gain from these relationships, though undoubtedly vital at times of great urgency, fundamentally compromises us in the long-term and ultimately more important task of opening up these societies so that domestically generated Islamic extremism doesn't attack us. In any case, our intelligence and security liaison relationships have never been better. For our Middle Eastern "allies" in particular, it's as if they'd died and gone to heaven. The CIA, often more accurately addressed as Sugar Daddy, has never before come calling with so many gifts. Egypt's president-for-life Hosni Mubarak, who would strongly prefer that the United States not create a functioning democracy in Iraq, knows that his intelligence-liaison relationship with the United States is an ace in the hole. That fraternal tie will certainly stay warm as long as Mubarak thinks there's a chance that President Bush might be serious about transforming the dictatorial politics of the Middle East.

Next criticism: George Bush's war in Iraq has inflamed Islamic opinion, radicalized more Muslim youth, and created a new legion of anti-American holy warriors. This is probably the most damning, if the most ethereal, of the charges against President Bush. Odds are, this will be the charge that Senator Kerry and his minions hurl most often at the president (the possible exception being the gravamen that George W. has neglected homeland defense).

Now, the first thing that ought to be said is that we really don't know how many jihadists got born during the first Bush presidency and the eight years of Bill Clinton. Al Qaeda slowly evolved from the Maktab al-Khadamat ("The Office of Services"), an organization started during the Soviet-Afghan War to transport Muslims, primarily Arabs, to Pakistan to join the battle against the Red Army. We really don't know how many Muslims went. If one tracks down the figures for the Maktab, all one can say for sure is that the sources on the numbers are all Pakistani and that Pakistani sources are notoriously unreliable. We have no firm idea how many of the Muslims who did go actually ever crossed into Afghanistan and fought, or how many of them stayed in Pakistan, living lives often more comfortable than those they'd had at home. (This was particularly true when it came to having wives. The cult of the Afghan woman—and there were hundreds of thousands of Afghan women in distress in Pakistan during the war—was very popular among the "jihadists.") And it is difficult to say precisely when al Qaeda became an independent, self-conscious organization developing anti-American holy warriors. This may have happened as early as 1989, or it could have been only two or three years later that a real organization developed with a clear raison d'être and a full-time staff.

The afterword of Daniel Benjamin and Steven Simon's *The Age of Sacred Terror*, which is easily the best book about the rise of bin Ladenism and the Clinton administration's response to it, tells us the following: "U.S. officials have spoken of 'tens of thousands' of individuals who were trained in the camps of Afghanistan, and Germany's intelligence chief put the number at seventy thousand, though many were trained as soldiers to fight alongside the Taliban, not as terrorists. Still the number of operatives at large is probably multiples greater than that on any other terrorist group in memory."

Benjamin and Simon were once the director and senior director for counterterrorism in the Clinton administration's National Security Council, and they, too, are highly critical of the Bush administration. I strongly suspect the numbers above are grossly exaggerated. When I visited Ahmed Shah Massoud, the legendary Tajik leader of the Northern Alliance, in the fall of 1999, he told me that he was then facing around 700 Arab Afghans. This figure fluctuated a bit, perhaps, but the Taliban never deployed more than 1,000 Arab Afghans against him.

But, for the sake of argument, let's accept the num-

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bers suggested by Benjamin and Simon. In other words, during the eight years of Bill Clinton's presidency, when the United States studiously avoided invading Iraq, the number of Islamic holy warriors fully formed in the Afghan training camps skyrocketed. Let us recall these were the glory years of the Israeli-Palestinian peace process, when the president often worked night and day to bring conciliation and settlement to the two sides. These were the years, too, when the Americans went to the rescue of the Bosnian Muslims. And these were the times when President Clinton tried to make nice-nice with President Mohammad Khatami of Iran (of course, Sunni Muslim holy warriors might not care for this too much; but since bin Laden knew *he* hadn't blown up the American barracks at Khobar Towers in 1996, and since his contacts inside the Saudi royal family were pretty good, he might have drawn the right conclusion when the Clinton administration didn't retaliate against the real perpetrator of the Khobar bombing, the regime in Tehran—to wit, Clinton wasn't tough).

So, during the best of years—or at least, according to Clarke and Kerry, vastly better years than what followed—al Qaeda grew from scratch to an umbrella organization, drawing into its apocalyptic designs holy warriors from the Middle East, America, Europe, Africa, Latin America, and the Orient. These were the years when bin Laden promised the faithful that they, not the Americans, were the "stronger horse."

And now, according to the "realists" and antiwar Democrats, the Bush administration has made things worse. It's theoretically possible, of course. It's possible the Clinton years were less energizing to the enemy than the Bush years, when the Taliban were destroyed, bin Laden was put to chase, and al Qaeda as an organization was badly battered. It is possible that America's invasion and (temporary) occupation of Iraq will galvanize holy warriors as did the first Gulf War for an earlier generation. Professor Bernard Lewis's textual analysis showing that bin Laden used the first Gulf War as a clarion call for holy war is undeniable. (And was not the first Gulf War worth angering Islamic militants?)

But we should be enormously cautious in suggesting, as Bush's critics eagerly do, that apocalyptic holy warriors come into being primarily because of specific American actions. We know this is certainly not true for the deadliest of the Wahhabi jihadists—the highly Westernized ones reared or educated in Western Europe. These men are born from their troubled assimilation into Europe's secularized societies. And killer Sunni fundamentalism predates the first Gulf War by decades. Its evolution is attached to no specific Western event—certainly not to the creation of Israel, which in fundamentalist literature is just one more proof, a particularly painful proof since Jews are among the weakest of people in Islamic history, that civilization has gone to hell. But the primary culprits for this fall are not Europeans or Americans—"Christendom," to the fundamentalists. Christendom has been there, in one shape or another, since the beginning of the Islamic era. The real villains, according to the first few generations of fundamentalists, are the Muslims who ape Western ways. The new breed of Muslim activists, the killer elite of bin Laden's deracinated young men who know not love of country or father, have elevated the old disgust at the despotic Westernizing rulers of the Middle East—the men many "realists" still see as our friends—into a global hatred of the West and its cutting edge, the United States. These young men were coming for us, regardless of whether the Bush administration invaded Iraq. Or whether the Clinton administration quarantined and bombed Iraq for eight years. They live to kill. The most devout live to die. It is not surprising at all that Americans, particularly those who work in Washington, who are mostly good secular sorts, view so mundanely the causes of holy war.

On the biggest of issues, Benjamin and Simon are definitely right: "Democratization, however hazardous and unpredictable the process may be, is the key to eliminating sacred terror over the long term." Which is why, of course, the war in Iraq—the attempt to build a democracy on the ruins of the Middle East's most despicable regime—has been worth the blood and treasure. There were many reasons to go to war; as Robert Kagan and William Kristol recently pointed out in these pages, President Clinton and his national security adviser Sandy Berger did a very convincing job of enumerating them in their finest speeches. But a compelling reason, even if it is not one that many in the Bush administration fully understand, was bin Ladenism itself and the need to strike boldly to give us, and Muslims in the Middle East, a way out.

We should be skeptical of those voices who tell us that success in Iraq won't have serious repercussions for the rest of the Middle East (the same voices that are usually quick to point out the adverse effects of failure). The trial of Saddam Hussein, in whom many Muslims of the Middle East will see the image of their own rulers, will make gripping television, even on the anti-American Al Jazeera satellite channel. Iraq's coming great debates, for all the country's enormous problems and attendant violence, will echo through the region on television and radio. The Sunni Arabs of the region will watch Shiite Arabs, long cursed creatures, moving forward, however fitfully and slowly, toward more democracy than they themselves have ever imagined. The shame could be unbearably pro-

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vocative. The now famous letter to al Qaeda from Abu Musab al Zarqawi, a Jordanian holy warrior operating in Iraq, tells, we can hope, the future of the entire region. Jihadism cannot survive people power. When the common Muslim man is responsible for his own fate, human decency and civility will win out.

The liberal *Washington Post* columnist Jackson Diehl, who writes often on the Arab world, recently provided the most honest description of what George W. Bush has wrought in the Middle East:

> The most underreported and encouraging story in the Middle East in the past year has been the emergence in public of homegrown civic movements demanding political change. Two years ago they were nonexistent or in jail. Now they are out in the open even in the most politically backward places in the region: Egypt, Saudi Arabia, and Syria. They are made up not only of intellectuals but of businessmen, women, students, teachers, and journalists. Unlike their governments—and the old school of U.S. and European Arabists—they don't believe that change should be gradual, and they reject the dictators' claim that democracy would only empower Islamic extremists. It is the delay of change, they say, that is increasingly dangerous.
>
> These people weren't created by George W. Bush. They are the homegrown answer to a decadent political order, and they ride a powerful historical current. But they will tell you frankly: The new U.S. democratization policy, far from being an unwanted imposition, has given them a voice, an audience and at least a partial shield against repression—three things they didn't have one year ago.

These words are the best retort to Richard Clarke and John Kerry. But we have no time to waste. Under any circumstances, building democracy in the Muslim Middle East will be slow. And bin Ladenism is a resilient, captivating disease. We should pray, however, that it will not take generations. It certainly won't happen at all if the Bush administration pulls back from its "forward strategy of freedom." Voluntary change in the Middle East is no change at all. But we are off to a good beginning. The war on terror had, thank God, a second act. We will all have to wait until after November to see if there will be a third. Everyone in the Middle East, but especially the holy warriors, will be watching. ♦

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Justice Denied

The International Criminal Court is even worse than its critics have said.

By Michael Chertoff

In the litany of criticism of American foreign policy, one refrain is constant. Americans are accused of showing contempt for international law and the international community by challenging the newly ratified International Criminal Court. Nongovernmental organizations in particular have accused the United States of placing itself above the law by refusing to submit to, and actively campaigning against, ICC jurisdiction. In response, U.S. policymakers have argued that the ICC is a permanent, unaccountable, supranational legal establishment that could put American officials and military personnel at risk of a politicized prosecution for vaguely defined international crimes. Under any view, the ICC is a novelty that challenges our conventional notions of the direct coercive power of international legal institutions.

Much of the debate turns on the scope of the infant ICC's powers. ICC proponents portray the court as a vehicle limited to prosecuting those who have committed horrific atrocities, similar to those now being tried in ad hoc international tribunals in the former Yugoslavia and Rwanda. Who can quarrel with the rightness of bringing torturers and murderers of thousands to justice? At the same time, ICC advocates have tried to soothe fears by pointing to the definition of war crimes and crimes against humanity, which seems to require large scale, systematic violation of basic international norms. These supporters contend that there is no foundation for Defense Department fears that U.S. soldiers might be hailed into court on politicized charges. Implicit—or explicit—is the suggestion that U.S. resistance to the ICC is based on unreasoning American arrogance or, worse, on the self-serving concerns of high-level government actors.

In fact, ICC partisans have dramatically understated the potential power and reach of this new court. More remarkably, American critics may have understated the risks posed by this new permanent tribunal. Because now we have it on very good authority that the ICC need not be—and is not—confined to investigating and punishing the Pol Pots and Idi Amins and other major war criminals of the modern world. Rather, the ICC's own prosecuting authority has expressed a vision of its mission that would target even ordinary private American citizens, such as businessmen and bankers.

Last June, a distinguished Argentine human rights attorney, Luis Moreno-Ocampo, took office as chief prosecutor of the new ICC. Earlier this year, with the ink barely dry on his appointment papers, Moreno-Ocampo unveiled his jurisdictional views in a startling, but not widely reported, address to attorneys attending a conference in San Francisco. According to a report in the *American Bar Association Journal* and other media sources, Moreno-Ocampo told the audience that officials of multinational corporations could be held accountable before the ICC for *directly or indirectly* facilitating conduct that leads to violations of international law. So, the ABA journal relates, if companies engaged in trading natural resources pay money to a government that uses it to fund soldiers who commit war crimes, those companies have arguably facilitated war crimes, and their officials could be prosecuted. Against the backdrop of this disturbing specter, Moreno-Ocampo "encouraged" these corporations to cooperate in the effort to eliminate conditions that can lead to atrocities and similar violations.

The implications of this view—emphatically not the prediction of an overwrought critic, but evidently the policy statement of the chief prosecutor—are troubling. First, Moreno-Ocampo's speech confirms that many of the jurisdictional safeguards brandished to rebut criticism of the ICC are illusory. Second, this policy statement suggests that the ICC may be even more of a danger to American businesspeople than it is to American soldiers; and this is a danger that cannot be avoided by simply keeping U.S. troops out of peacekeeping missions in countries that have accepted ICC jurisdiction. Finally, Moreno-Ocampo's remarks imply that the ICC may be willing to use the threat of prosecution as a goad to cooperation from multinational corporations. That strategy would transform the

Michael Chertoff is a judge on the Third U.S. Circuit Court of Appeals, in Newark, New Jersey.

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ICC from adjudicator of past crimes to active multinational policymaker—and a policymaker not accountable to the U.N. Security Council or its member states.

Moreno-Ocampo is, unfortunately, correct about the scope of his power. The law governing the ICC is set forth in the Rome Statute enacted by the signing nations, and is interpreted in the "Elements of Crimes" rules written by the ICC Preparatory Commission. The principal crimes set forth in the Statute and the Elements are genocide, crimes against humanity (which must be part of a "widespread or systematic attack against any civilian population"), and war crimes (which, again, must be part of a policy or "a large-scale commission of such crimes"). Superficially, this has little to do with ordinary U.S. businessmen and bankers. But the Statute and Elements also specify that criminal responsibility falls on anyone who facilitates one of these crimes or "in any other way contributes to the commission or attempted commission of such a crime . . . [with] knowledge of the intention of the group to commit the crime." (Art. 25)(3)(d). This could easily encompass those who are aware that a government is committing war crimes, but nevertheless engage in banking or other business relationships with that government.

How does this square with the jurisdictional safeguards that ICC advocates often emphasize in dismissing criticism from U.S. officials? ICC supporters generally make several arguments:

¶ First, the ICC's jurisdiction is limited to very serious crimes, such as murder and torture directed on a large scale against civilian populations. For an American to fall within this jurisdiction would require large-scale atrocities. As one Canadian government minister recently declared: "This is not some kind of rogue institution that will target some American GI. Americans have nothing to fear. It's only the likes of [accused Serb war criminal] Radovan Karadic who need worry."

¶ Second, the prosecutor is overseen by a panel of judges, and all are highly credentialed. They will not become tools of a political agenda.

¶ Third, before charges are filed in the ICC, the home country of the accused will be afforded the opportunity to investigate and prosecute. The ICC can seize jurisdiction only if the home state "is unwilling or unable genuinely to carry out the investigation or prosecution. . . . " This finding of unwillingness would be made by judges of the ICC based on a finding of lack of intent to bring the accused to justice.

¶ Finally, some ICC supporters quietly make the practical point that American troops are unlikely to be seized from military installations abroad, and that they will not be surrendered from the United States.

Under the broad view of facilitation and criminal complicity taken by prosecutor Moreno-Ocampo, these limitations fairly wilt away. To be sure, the ICC is aimed at adjudicating war crimes and crimes against humanity that are by definition very serious. But the act of complicity dramatically expands the scope of prosecution under these offenses. As described by the ICC statute, a complicit act may be one that on its face seems quite removed from the violence. So, where a regime is widely reported to be engaged in crimes against humanity, trading with government-owned entities might trigger liability if those entities in turn fund the overall government war effort. As a moral matter, it may be a very good thing to stop that sort of trade. It may well be that such trade should be forbidden as a matter of domestic law, or by the U.N. Security Council laying down an embargo. But in the absence of such definitive action by a sovereign state or the Security Council, the ICC prosecutor evidently believes he can still move to punish the trading party.

Americans (and others) should draw even less comfort from the well-credentialed background and high-mindedness of the ICC officials. One need not assume overt political agendas or anti-American sentiment (and I do not) to see the danger in unelected, unrepresentative officials motivated to do justice in a world in which domestic law or the U.N. apparatus itself is often silent. Our own experiences with domestic prosecutors demonstrates how easy it is for prosecutors to creatively shape and extend the law so as to charge and try people whom the prosecutor targets as bad. Our courts occasionally strike down such exercises in prosecutorial creativity as unauthorized extensions of the criminal law. Prosecutor Moreno-Ocampo's speech demonstrates that he also can see the potential to extend the law to punish what he (and like-minded associates) see as bad conduct. That is not necessarily a soothing thought.

Then there is the right which the United States would have under the Rome Statute to preempt the ICC by conducting its own investigation of the alleged crime. Even if our hypothetical trading businessman or banker were more comfortable with the prospect of American prosecutors and courts investigating and applying the law of international criminal complicity as enunciated by the ICC, that would still be a terrible ordeal. Nor is it clear how realistic it is to expect that the United States could satisfy the ICC of its "willingness" to investigate this crime. Do we have properly worded statutes? If not, we must pass them. Did we exercise discretion properly? If not, the ICC will take back jurisdiction.

Finally, Moreno-Ocampo's theory of complicity must send a special shudder down the spine of the international

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banker or executive. We may feel satisfied that as a practical matter American troops are unlikely to be snatched from their bases or extradited from the United States to an ICC tribunal. Indeed, the United States can condition military cooperation with a host country on adequate guarantees that it will not transfer U.S. military personnel to the ICC. But what of the Paris-based American banker who is accused? The practical assurance that American troops are unlikely to be brought before a court in the Hague is absent when one envisions the solitary American executive who would be liable to arrest on an ICC charge in any of the 90-plus countries that have ratified the ICC treaty.

The United States has withdrawn its signature from the ICC, and is trying to enter into a series of bilateral agreements that would prevent ICC signatories from surrendering U.S. personnel to the ICC. To the extent that the United States cannot obtain these bilateral ICC exemptions, the government has the option to protect our service personnel by declining to send them into any country which has not forsworn turning them over to the ICC. Indeed, the American Service-Members' Protection Act of 2002 forbids the assignment of servicemen and women to peacekeeping operations where the United States is not assured that they will be outside the reach of the ICC. Thus, the military can remain free of the jurisdiction of the ICC, if necessary, by staying out of operations that might fall within the international court's authority.

Private citizens have a more difficult time. If a multinational corporation is deemed complicit in a war crime, then its senior officials anywhere in the world might be held liable. That means bankers in Brussels or executives in Ecuador could in some circumstances be extradited to the ICC. For these citizens to be sure that doesn't happen, they would have to withdraw from their foreign postings and return to the United States. That is, at the very least, an unhappy prospect for the commercial and trade interests of the United States.

As the ICC prosecutor's speech makes clear, this is no idle worry. Before the assembled lawyers in San Francisco, Moreno-Ocampo cited the specific example of atrocities in the Congo as an area of ICC interest. According to the ABA journal, he observed that companies based in over two dozen countries have some connection with illegal exports of natural resources from the Congo, and may therefore have indirectly funded those suspected of international crimes. This suggests that the international prosecutors may already have the concept of business liability on their agenda.

How far will the threat of this liability sweep? The Rome Statute takes a broader definition of accomplice liability than was the case under more traditional international legal principles, such as those employed when the U.N. International Law Commission draft Code of Crimes was promulgated in 1996. The 1996 Code specified that complicity must be "direct and substantial." The Rome Statute eliminates that requirement. To use the language of Article 25 of the Statute, one can all too easily envision a banker or stockbroker whose company handles foreign government funds being charged as one who in "any other way contributes to the commission [of a crime against humanity]" because public reporting indicates that the particular foreign government is financially supporting military activities that result in atrocities.

So what is the businessman to do? What is his obligation under the ICC to "know his customer" and to know the uses to which his overseas government customer is going to put the businessman's money—whether that be payment for natural resources or interest on bank deposits? Of course international bankers and brokers customarily operate within the terms of "know your customer" requirements because of various domestic laws against money laundering. These laws often have significant commercial and economic effects, and can carry criminal liability or regulatory sanction. But the key is that they are enacted by domestic governments (often as a consequence of international treaties), are prosecuted under domestic legal systems, and are subject to repeal by domestic legislatures. If such rules come to be laid down de facto by a pattern of pronouncements or prosecutions at the ICC, there will be significant effects on the world economic system, and they will be the product of nothing more accountable than the intentions of supranational prosecutors and judges.

This, of course, is the most important ramification of the broad vision articulated by the ICC chief prosecutor. At the end of the day, the power to prosecute is the power not only to punish past conduct, but also to shape future behavior. The criminal process is the bluntest and most coercive instrument which a sovereign authority can wield to shape the activities of private actors. Most people steer well clear of the criminal line in carrying out their daily business. Therefore, legislatures must calibrate criminal sanctions so as to deter undesirable conduct without chilling legitimate productive behavior.

For that very reason, our own fundamental principles of due process emphasize how cautiously the criminal sanction should be invoked. We do not have common-law or judge-made crimes; we insist that democratically elected legislators enact criminal laws. We construe such laws

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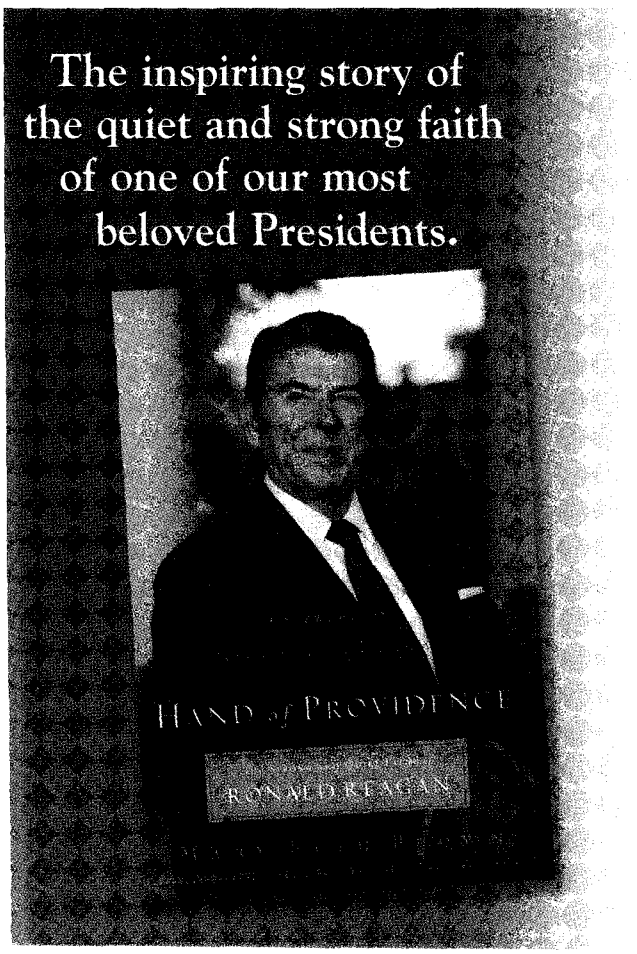
strictly, resolving ambiguities in favor of the defendant. Our prosecutors are held accountable, either because they are directly elected or because they are appointed by an elected official. In all these ways, we try to hedge the coercive strength of the criminal law so that it does not overdeter or "chill" freedom.

But these limits are absent at the ICC. The scope of the crimes covered by the ICC is fairly elastic; certainly the concept of complicity is. And prosecutor Moreno-Ocampo has demonstrated that he is keenly aware that the threat of prosecution can be used to prod affirmative behavior. It is probably not a coincidence that, in his San Francisco speech, he paired suggestions that he might prosecute corporations with pleas for multinational businesses to assist in financing peace and rehabilitation efforts. Will multinational businesses now feel a new "incentive" to fund good causes and embargo bad governments? Worthy ideals, to be sure. But should such policies be driven simply by the directives or hints of an unfettered ICC prosecutor?

Other than military force, the authority to arrest and prosecute is the most coercive power available to government. The U.N. still reserves the deployment of ultimate force—armed force—to the collective member states acting through the Security Council. Until the ICC, the U.N. reserved deployment of law enforcement power to itself as well, authorizing war crimes tribunals on a case-specific basis. This approach carefully cabins the use of this power, and assures accountability to the U.N.'s constituent states. Now, however, the ICC establishes a free-standing, self-perpetuating organ of coercive sanctions without that accountability. Serious questions would arise even if the ICC self-consciously limited its mandate to those who directly commit atrocities and horrific violence. But prosecutor Moreno-Ocampo's remarks do not bode well for the exercise of such self-discipline. Although still brand new, the ICC prosecutorial arm is already flexing untried muscles in an effort to stretch its mandate to the limit of the law. If the world community—including those countries that applaud the ICC—does not check this impulse, the result will be a radical shift of authority away from the carefully structured balance of power at the U.N. toward a new species of international player responsible only to its own ideals.

We may not be worried enough about the ICC. ♦



Hand of Providence is an inspiring story of how a seed of faith was planted in the life of a young Ronald Reagan by a diligent and caring mother—how that faith blossomed and changed his life, and how, through him, that faith changed America and the entire world.

In the ***Hand of Providence***, author Mary Beth Brown explores the life and personality of Ronald Reagan by focusing on his deep-felt beliefs and showing how faith guided him along his distinguished career and led him to his unprecedented success. With the support of President Reagan's own words, his writings, and first-hand interviews of his family, friends, and numerous co-workers, the author weaves a magnificent story of his strong devotion to God that will both inspire and motivate the reader.

In the Foreward to the book, his son, Michael Reagan writes:

> My father is a godly man. He loves God. When he decided to run for president, he didn't do it to raise himself up, to be admired, or to have others think he was great. He didn't do it out of selfish reasons or because it is the most powerful position in the country. He did it out of duty. He believed God had called him to run for president. He believed God had things for him to do.
>
> Even now, with his ever failing health, thre is a certain peace that comes from my father, and knowing one day we will be reunited brings me an even greater peace.

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Israel's House Divided

Israeli Jews, Israeli Arabs, and identity politics

By Peter Berkowitz

Jerusalem

Fences lock out. In the process, they lock in. So it is perfectly foreseeable that Israel's decision to keep out terrorists by constructing a security fence separating itself from 3 million West Bank Palestinian Arabs will also work to keep in 1.2 million Arab citizens of Israel and tie their fate more closely to that of the Jewish state. Less foreseeable are the precise consequences for the Arab minority, now almost 20 percent of the population and growing, and for Israel's character as a state that is both Jewish and democratic.

A new report of the International Crisis Group—an influential NGO with headquarters in Brussels that conducts "field-based analysis and high-level advocacy to prevent and resolve deadly conflict"—argues that the real issue is Israel's lamentable history of discrimination against its Arab minority. Entitled "Identity Crisis: Israel and its Arab Citizens," the report calls for massive investment by the government in Arab communities. And it recommends an extensive array of programs to promote mutual understanding between Israeli Jews and Arabs, because "mutual perceptions typically have been characterized at best by indifference, at worst by total misunderstanding and mistrust."

Reuters / Landov / Gil Cohen Magen

An Israeli Arab and Jew receive gas mask training in Jerusalem, January 2003

On a mid-March trip to Israel, I had an opportunity to discuss the condition of Israel's Arab minority with Israeli Jews and Arabs. Contrary to the International Crisis Group report, the deeper problem seems to lie in the conflicting opinions Israeli Jews and Israeli Arabs have about Israel's guiding principles and core promise.

The collapse of Oslo at Camp David in the summer of 2000 and the violent demonstrations by Israeli Arabs in October 2000 in which Israeli police killed 13 marked a watershed in the two communities' relationship. Long pent-up grievances among Israeli Arabs were brought out into the open, and doubts among Israeli Jews about the loyalty to the state of their fellow citizens were crystallized. But if there was a single turning point in Jewish perceptions, it came long before—in 1947, when the Arabs in Palestine emphatically rejected the option of a Jewish state and indeed any option other than an Arab state in all of Mandatory Palestine. Israelis were compelled to conclude that the Arabs were not interested in coexistence. The conclusion was fortified by the war launched by five Arab states on the fledgling Jewish state—which spurred the exodus of hundred of thousands of Palestinian Arabs from their homes and resulted in an Israel more than 50 percent larger than contemplated by the U.N. partition plan.

Even after 1966, when Israel lifted the martial law it had imposed on Arab communities after the 1949

Peter Berkowitz teaches at George Mason University School of Law and is a fellow at Stanford's Hoover Institution.

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Armistice agreement, Israeli Jews and Israeli Arabs continued to live separate lives. While one could and still can find small towns where Israeli Jews and Israeli Arabs mingle in markets and cafés, the two peoples have mainly coexisted by attending different schools, shopping at different stores, and socializing in different circles. Most Israeli Jews have never really ceased to regard Israeli Arabs as a potential fifth column. And most Israeli Arabs are at best unmoved by and generally estranged from Israel's Jewish symbols and public culture.

It can't be emphasized enough that Israeli law promises all citizens full civil and political rights—and because of Israel's commitment to this promise its Arab citizens remain far and away the freest Arabs in the Middle East. It should also be stressed, as Knesset member Amnon Rubenstein pointed out in a recent article, that the Israeli welfare state has significantly reduced the tremendous gaps between Jews and Arabs—in education, health, and social and economic well-being—that Israel inherited from British Mandatory Palestine. Yet it must also be said, as a substantial majority of Israelis now recognize, that Israel failed—out of fear, out of indifference, out of bigotry—to allocate to Arab communities a fair share of state resources for roads, hospitals, and schools, and to fully integrate their fellow citizens into the nation's social and political life.

The 1993 Oslo accords seemed to many to herald a new era, starting with mutual recognition between Israel and the Palestinians of Gaza and the West Bank and promising something approaching social and economic integration. Oslo was both welcomed and feared by Israeli Arabs. While feeling a sense of liberation from the dilemma of having to choose between Israel and the Palestinian cause, they were also apprehensive that once a final agreement was reached, they would find themselves marginalized in both states. The collapse of Oslo and Arafat's launching of the second Intifada reinstated, and intensified, the old dilemma.

What do Arab citizens of Israel ask from the state today? One demand, espoused by an increasing number of relatively moderate Arabs, is to turn Israel into what Knesset member Azmi Bishara calls "a state of all its citizens." Head of the National Democratic Assembly party (Balad), which holds 3 of the 120 seats in the Knesset and has a growing Arab following, Bishara has outraged Israeli Jews by his friendly visit with Syrian dictator Bashar Assad and by his warm words for the Palestinians' "national liberation struggle." But it is his party's political program that is genuinely radical. For by the anodyne slogan "a state of all its citizens," Bishara, former head of the philosophy department at Bir Zeit University, means a secular, democratic, and most emphatically non-Jewish state. In contrast to American minorities, which have traditionally demanded to fully share in the state's founding principles, Israel's Arab minority increasingly demands that Israel revise its founding principles by ceasing to be a Jewish state.

For their part, Israeli Jews today are more likely than not to forthrightly acknowledge Israel's history of discrimination against its Arab minority. They are quick to add that making good on the promise of civic equality, written into Israel's Declaration of Independence and Basic Laws, is indispensable, both as a moral imperative and as a strategic necessity. But for an overwhelming majority, the "red-line," the point beyond which they will not go in accommodating Arab demands, is abandoning the idea that Israel is by right and must remain a state that is both Jewish and democratic.

Sitting in the Tel Aviv University faculty club, Likudnik and three-time former defense minister Moshe Arens gets right to the point. "For 55 years, Israeli Arabs have suffered from total neglect." The only solution, says Arens, who regards himself as an old-fashioned liberal, is to integrate the Arab population fully into Israeli society. Reform, for him, involves two essentials. Beyond providing equal resources to Arab communities, Israel also must, Arens believes, insist that Arabs—who at present are exempted—serve in the army. Arens takes obvious pride in his role in forming the army's first Bedouin brigade, which, he notes beaming like a father, serves today with distinction in the Gaza Strip. And he adds that the small community of non-Jewish and also non-Arab Druze in Israel have demonstrated valor as soldiers and officers. In his view, no proposals for alternative forms of national service will do. "If you create the impression that an Arab young man who does national service as a laboratory assistant in Umm Al-Fahm [an Arab village] is doing the same thing for Israel as a young man who goes into the infantry, that is not the case. It is not true. You are only going to push the two communities farther apart."

I ask Arens about what is controversially referred to as the "demographic threat," the fear that high birth rates will someday produce an Arab majority in Israel. He scowls. The old-fashioned liberal in him is offended. "I don't talk about the demographic threat. I don't like that phrase. I don't even like to allow it to pass my lips. I can easily see where the Arab population feels insulted." Arens does think that Israel should work to reduce the birth rate of Israeli Arabs, which, among the 90 percent who are Muslim, is among the highest in the world. Not, he explains, because of demographic considerations, but because lowering the birth rate and increasing literacy will improve the quality of their lives.

In Jerusalem, over breakfast at the guest house at

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Mishkenot Sha'ananim, just a few hundred yards from the great stone walls of the Old City, I discuss this delicate subject with Ruth Gavison. Slight in build and fearsome in intellect, Gavison is a widely respected professor of constitutional law whose natural political home is on the left, but who increasingly finds herself at odds with her longtime political allies for her willingness to find the fault on both sides, not just the Israeli.

While she is adamant about protecting the civil and political rights of Arab citizens of Israel, and stresses that Israel must immediately invest in infrastructure in Arab communities, Gavison believes that solving the conflict with the Palestinians beyond the Green Line is the indispensable precondition to tempering tensions with Arab citizens in Israel: "It is very hard to separate the question of the Israeli Arabs from the question of the political situation of the Palestinians in the West Bank and Gaza. The two issues are totally intertwined. Because, without a two-state solution, it is very difficult for Israel to say credibly to the Arabs in Israel, you have to choose between being proud citizens of a Palestinian nation-state or loyal citizens of the Jewish state. If there is no two-state solution, you really don't give Arab citizens of Israel an adequate response to their claim that they too want to have a place where their culture and where their language are dominant. However, if you give them their own nation-state, it is possible to ask them to remain a minority in the Jewish nation-state."

Reuters / Landov / Havakuk Levison

Israeli Arab actress Mira Awad and Oded Kotler in "My Fair Lady"

Nevertheless, Gavison is worried about the readiness of Israel's Arab citizens to live with a state whose symbols and public culture reflect the national aspirations of the Jewish people. She tells me that the younger generation is more radical, that its sense of Palestinian identity is much stronger, as is its determination to have that identity affirmed by the state. "You see it in their writings," she said. "I do quite a lot of reading in their texts. They talk a lot about human rights and they talk about cultural and national identity, but they don't give much weight to duties of citizenship. On the one hand, they enjoy, and they invoke, and they use the rights of citizenship very effectively. On the other hand, they don't give the responsibilities of citizenship any moral weight whatsoever."

I ask her about Azmi Bishara's party. She is skeptical. "They invoke the ideal of a secular democratic state. But they don't really want a neutral state. They don't want to assimilate. They don't want to integrate. They want their autonomy, they want equal status for their language. They want a national existence. They want recognition as a national minority. They want institutions. They say it is a provisional condition that they are a minority here. They want Israel to stop being Jewish but they insist that there will be an Arab Palestinian state in the West Bank and Gaza. They want Palestinian self-determination without conceding that Jews too are entitled to it."

Indeed, if there was a common thread running through the conversations I had with a variety of Arab citizens—including a star student at the Tel Aviv University Law School, a bureaucrat in the ministry of higher education, a high school teacher from the Galilee, and an editor for Israel's Arabic language broadcasts—it was the necessity of Israel's abandoning the Jewish character of the state in the name of its democratic character. Nobody put it more pointedly than Awatef Shiekh and Rim Alhatib, staff assistants respectively to Jamal Zahalka and Wasil Taha, the other two Knesset members of Bishara's National Democratic Assembly.

I interview them, in English with a smattering of Hebrew, in Shiekh's Knesset office. In dress, in demeanor, in facility at multitasking, in confident command of the issues, and in political passion, these twentysomething women could pass for Capitol Hill staffers. I told them it appeared that the heart of the matter was whether Israel, as a Jewish and democratic state, can respect the rights of its Arab minority. Her voice rising with indignation, Alhatib responded, "If Israel is both Jewish and democratic, it does not separate between religion and state. So therefore it can't be a democracy. A liberal democracy. Because one of the defining features of a democracy is to separate these things." Moreover, according to Alhatib, a state that is both Jewish and democratic imposes a cruel requirement on its non-Jewish minority: "If you want me to act like a Jewish citizen, it's like asking me to act

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against myself. Because if I want to stay Arab or Palestinian, I erase myself." She goes on to explain her party's mission in the Knesset: "What is very, very important for us, the most important thing that we do here, is to ask for equality in the civic area. But also to try to conserve our culture and our Palestinian identity." I follow up: In the end, though, are you saying that Israel cannot be "a state of all its citizens" so long as it remains both Jewish and democratic? "For sure," replies Awatef Shiekh.

Their sense of grievance is intense. I tell them that Israeli Jews to whom I have spoken insist on the urgent need to invest in their communities and to achieve civic equality. They scoff that talk is cheap. I ask them about alternative forms of national service. They distrust the idea of any form of national service because they think it will be used by the government as propaganda to distract from the question of their rights. They think that any appeal to Israel's security predicament in the effort to understand Israel's mistakes in the treatment of its Arab citizens is "just an excuse." Their presence at the Knesset, their freedom to make harsh criticism of the government, indeed the ability of their representatives to demand publicly that Israel renounce its Jewish character, is in their judgment not a credit to democracy in Israel but the least that the state owes them. Awatef Shiekh sums up the work of her party: "Balad is putting the government in front of a mirror and saying you are a cripple. You are not a democracy."

Later that day, I sit in the lobby of the American Colony Hotel in East Jerusalem with Sheerin Alaraj. She is a Palestinian woman in her early thirties who wears a head scarf and is a member of Fatah. She holds an Israeli identity card, but lives in a village near Jerusalem on the Palestinian side of the Green Line and cannot vote in national elections. I ask her to what extent Arab citizens of Israel are caught between two worlds. First she lets me know, in excellent English, that she prefers to speak of Palestinian citizens of Israel. Then she proceeds: "I'll tell you my problem with them. I think they are actually loyal to two conflicting sides. This creates serious problems. At the same time, it has lots of advantages. They are sort of standing in a liminal position. It is very convenient for them living in the state of Israel. At the same time, they are seen by Israeli Jews as joining the other side, joining the enemies of the state."

Are the perceptions of Israeli Jews accurate? "I do ask [Palestinian citizens of Israel] to be loyal to the Palestinian goals," Sheerin declares. You do? "Yes. And I have a problem with those who identify themselves as Israelis." Really? "Oh, I have a serious problem with them. It happened with me once in my life. Only once. We were in a group of Jews and Arabs, Palestinians from Israel, Jordanians, Egyptians, Lebanese, and Syrians. It was an international gathering and we decided to deal with the Palestinian-Israeli conflict. And they asked us to go into groups. Arabic-speaking and Hebrew-speaking. And one of the Palestinians from Israel decided that he is an Israeli and that he would join the Israeli side. That was it. I never spoke to him again."

The crux of the problem for Alaraj is Israel's determination to be both Jewish and democratic. "That contradicts itself," she says as if it were self-evident. "It can't be democratic and Jewish at the same time. It is either democratic or it is Jewish." How should Arab citizens of Israel live in the face of this contradiction? "The first thing," explains Sheerin, "is not to serve in the army. This is the minimum I expect from them." But she wants more, including protest and demonstration. And she maintains hope: "By the time the Israelis give up this Jewish state thing, peace will emerge."

Is there in the end a fatal contradiction between Israel's Jewish character and its democratic form of government? Only if you accept the idea—rooted in Rousseau, promulgated for more than a century by Marxists, and embraced by left-leaning intellectuals throughout the Western world—that the aim of democracy is to reflect in its institutional forms peoples' highest hopes, overcome individual alienation, and make all its citizens whole in heart and soul. But there is a more reasonable understanding of liberal democracy, one more in keeping with its first principles and classical formulations and less bound up with utopian hopes and Communist nightmares.

In this understanding, majorities are given wide latitude to legislate, circumscribed principally by energetic protection of the individual rights that belong to all citizens. In this understanding, states do not have an obligation to affirm equally the grandest aspirations of all citizens, but they do have an obligation to ensure that all are equal before the law and that none falls below minimum or basic requirements for education, health, and material well-being. And in this understanding, there is no reason in principle why a Jewish state—one which is open to Jews throughout the world, and gives expression in its public culture to Jewish history, Jewish hopes, and Jewish ideals—cannot protect the political rights and civil liberties, including religious freedom, of all its citizens, provide them with equal opportunities, and require that they take their fair share of responsibility for maintaining the state. And there is every reason, grounded in both democratic and Jewish imperatives, why Israel ought to do precisely that. ♦

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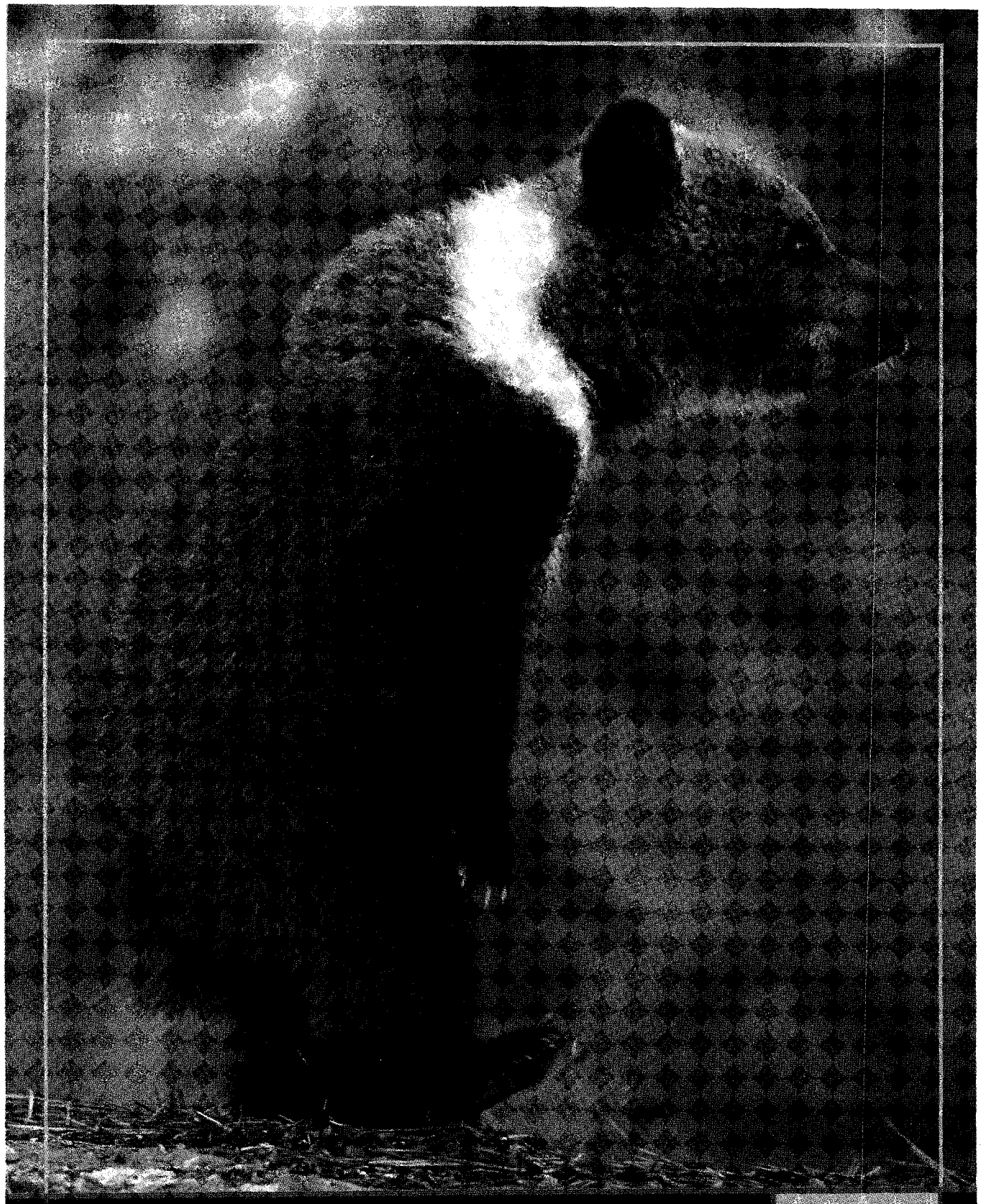

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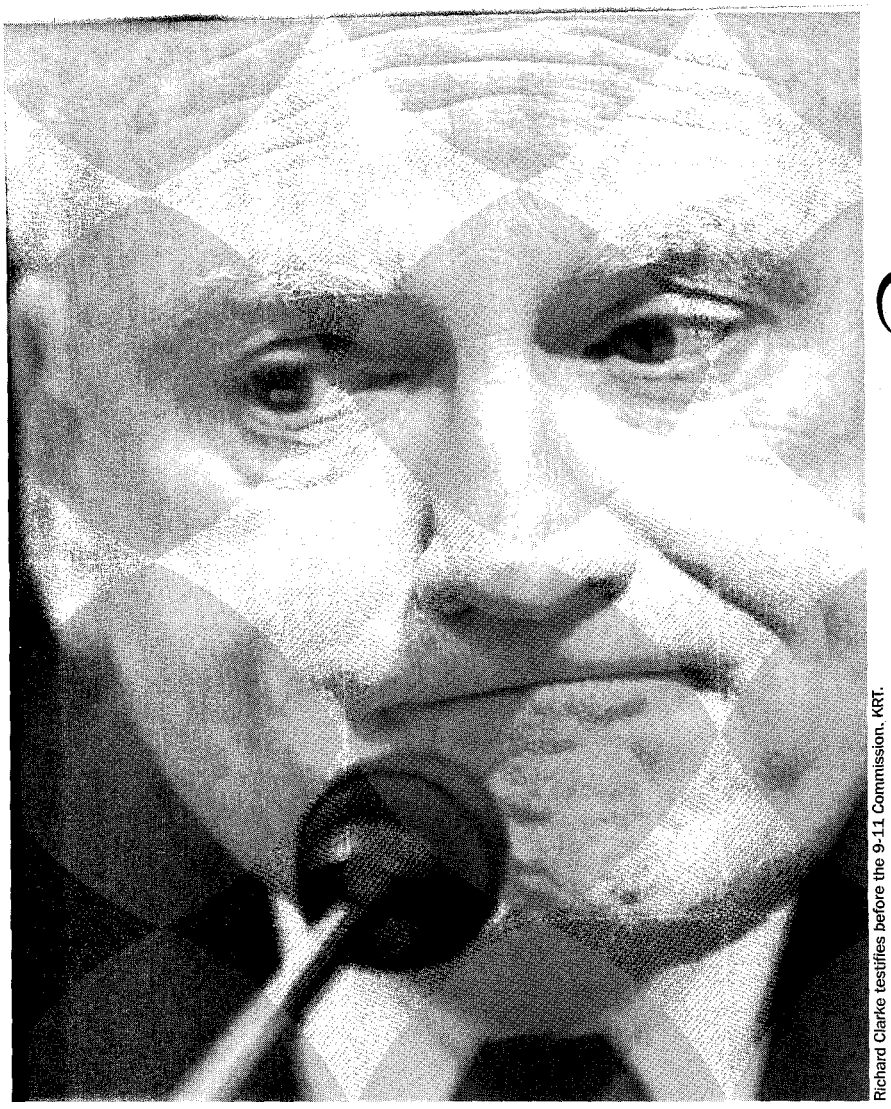
Who Lost Osama?

Richard Clarke is far tougher on the Clinton failures than advertised

By Daniel C. Twining



Richard Clarke testifies before the 9-11 Commission. KRT.

"This is the story, from my perspective, of how al Qaeda developed and attacked the United States on September 11," Richard Clarke begins *Against All Enemies: Inside America's War on Terror*, his new book that has been widely ballyhooed as the bomb that will destroy President Bush's reelection campaign.

In fact, only in his preface and the book's final sixty-five pages does Clarke's partisanship boil over into the invective, vitriol, and spite that have transformed this career national-security hawk into the anti-Bush Democrats' American Idol. The rest of the book, Clarke's unwitting indictment of the Clinton administration's terrorism policy, ought to make the whole of the nation vote for four more years of Bush.

After a warm-up chapter that offers a readable account of the first twenty-four hours of the White House's response to the attacks, a nonpartisan chapter on how America transformed its strategic posture in the Middle East during the 1980s, and a sensible chapter on the first Gulf War, the subsequent one hundred and fifty pages of *Against All Enemies* chronicle the formation and rise of al Qaeda—and the American government's failure to prevent it from metastasizing into the existential threat it had become by the time Clinton left office.

Clarke explains al Qaeda's rise, from the 1993 World Trade Center bombing through subsequent foiled and successful terrorist attacks in Mogadishu in 1993, the Philippines in 1995, Saudi Arabia in 1995 and 1996, Africa in 1998, and Yemen in 2000, as well as the foiled Millennium Plot—all of which is required reading for those who want to understand what the government knew about al Qaeda on President Clinton's watch (a lot) and what it did about it (considerably less than it should have).

Against All Enemies
Inside America's War on Terror
by Richard Clarke
Free Press, 304 pp., $27

Although critical of the failure to retaliate against Iran for the 1983 bombing of the Marine barracks in Lebanon, Clarke credits President Reagan with transforming the United States' strategic posture in the Middle East. When Reagan took office, the Central Command, now arguably our most important command, was a backwater; the United States had no bases in the Persian Gulf; and events in Iran had left the United States vulnerable to the spread of Islamic fundamentalism and another wave of devastating oil shocks.

Clarke admiringly recalls how Reagan moved the United States closer to Israel, instituting joint exercises and extensive military-to-military cooperation. Reagan also built new military relationships with Egypt, Oman, and Bahrain, and established the headquarters of the Navy's Fifth Fleet in Bahrain to patrol the Persian Gulf. According to Clarke, Reagan "checkmated the Iranians by strengthening Saddam Hussein." Reagan's support of the Afghan opposition brought about the Soviet Union's withdrawal from Afghanistan, a significant strategic defeat. Reagan's

Daniel C. Twining, a former adviser to Senator John McCain, works for the German Marshall Fund of the United States. The views expressed here are his own.

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Reuters

The results of the attack on the U.S. embassy in Kenya in 1998.

policies not only transformed America's position in the wider Middle East but enabled the military response to Iraq's invasion of Kuwait in 1990.

Clarke's review of the diplomacy preceding the first Gulf War is also interesting. Traveling with Secretary of Defense Dick Cheney to Riyadh, Clarke was at the pivotal meeting in which the king of Saudi Arabia agreed to the stationing of American forces in his country, even as his intelligence chief, Prince Turki, was secretly asking Osama bin Laden to assemble Afghan volunteers to defend the kingdom from Saddam's army. Clarke recalls the breathless pace at which American officials flew from one capital to another around the Gulf. He dissects the famous judgment to stop General Barry McCaffrey's forces from finishing off Saddam Hussein's Republican Guard as they retreated from Kuwait, and the flawed American decision "to stand by and let the Republican Guard mass murder the Shia and Kurds."

The failure of Bush's father to end Saddam Hussein's regime in Iraq segued into the first test of the Clinton administration's determination to act against terrorism. Clarke helped plan the initial use of force in the Clinton administration, to retaliate against Iraq for its plot to assassinate George H.W. Bush in Kuwait. The strike was an early indicator of the schizophrenia that characterized Clinton's national security policy: a laudable willingness to use military force strangely matched with a fierce determination that it cause the least possible pain to our enemies. In Clarke's rendition, Secretary of State Warren Christopher "argued strongly on legal grounds that the list [of targets] be limited to one facility, the Iraqi intelligence headquarters. He also wanted it hit on Saturday night, to minimize casualties. Christopher won."

In addition to ending, purportedly, Iraqi terrorism against the United States by bombing Iraq's empty intelligence headquarters, Clarke also claims credit for ending Iranian terrorism against the United States after the Khobar Towers attack. Today's proponents of rapprochement with Tehran should pay close attention. Clarke has no doubt the Iranian government sponsored the Khobar bombing, which killed nineteen Americans: "The larger attack in Saudi Arabia at Khobar was conducted by Saudi Hezbollah under the close supervision of Iran's Revolutionary Guard Corps and its Qods Force," he writes. At the time, the CIA judged that "further Iranian-sponsored terrorism against the United States was likely."

This should have been grounds for war, and we learn in *Against All Enemies* the White House considered it, examining options including a full-scale invasion, attacking Iranian-sponsored terrorist camps in Lebanon, persuading our allies to impose a multilateral economic boycott, and conducting an unspecified "intelligence operation."

Inevitably, the Clinton administration chose the lesser option of a covert operation against Iran, underscoring another theme of the Clinton years: hawkish instincts ("Clinton told us that if it came to using force against Iran, 'I don't want any piss-ant half measures'") that invariably devolved into a policy that did not accomplish the objective but gave the illusion of having acted decisively.

Clarke unwittingly highlights the Clinton administration's lack of credibility by linking Saudi Arabia's failure to cooperate on the Khobar Towers investigation to Saudi skepticism about Clinton's backbone: "Some in the Saudi royal family . . . reportedly welcomed the possibility of a U.S. war with Iran, if America could remove the Tehran regime. [Saudi Ambassador Prince] Bandar . . . suggested that all that was stopping the Saudis from implicating Iran was the fear that American retaliation would be halfhearted. If the U.S. could promise a full-scale fight to the finish, then the kingdom would probably tell all that it knew about the Iranian role in the Khobar attack."

Of course, Clinton did not take such measures, and Saudi Arabia never told us what it knew about the Khobar bombing. Clarke contradicts his own claim that the covert operation against Iran ended Iranian terrorism by acknowledging that "the Iranian security services continued to support escalating terrorism against Israel and allowed al Qaeda safe passage and other support"—including, I would add, after September 11, 2001.

By far the most fascinating part of *Against All Enemies*, and the bulk of the book, chronicles the rise of al Qaeda as seen by the Clinton White House. As with Iraq and Iran, the best of intentions and initially sound instincts achieved brief tactical goals without defining a strategic course for victory. In sketching an image of an engaged president who, in his own words, believed that the United States was at war with al Qaeda, but who failed to weaken the organization, Clarke paints a portrait of Clinton in some ways more devastating than the caricature created by his political opponents.

The critique comes down to this fact: President Clinton, who commanded the world's most powerful military and presided over nearly a decade of peace

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between the world's great powers, knew al Qaeda was operating in fifty countries, running agents and sleeper cells inside the United States, seeking weapons of mass destruction, churning out terrorists from its Afghan training camps, attacking targets around the world, and planning major terrorist offensives against the United States.

Full awareness of al Qaeda was not some slow awakening that came only late in the Clinton presidency. Clarke explains that "because of the many known terrorism events of 1993, the Clinton team, from the president down, was seized with the issue by 1994." Presidential Decision Directive 39, the "United States Policy on Counterterrorism" issued in 1994, called for both offensive and defensive actions to "reduce terrorist capabilities" and minimize the nation's vulnerabilities. It stated that U.S. policy would have "no greater priority than preventing the acquisition of weapons of mass destruction" by terrorists.

By 1995, the Clinton administration had witnessed the World Trade Center bombing, for which it had "a lot of evidence" pointing to bin Laden's organization. It had discovered Ramzi Yousef's plots to assassinate President Clinton and Pope John Paul II. It had learned of Yousef's plot to blow up eleven American airliners over the Pacific. It had witnessed a terrorist assassination attempt against Egyptian president Hosni Mubarak. And it had seen the hand of al Qaeda at work in Bosnia, which Clarke calls "a guidebook to the bin Laden network, though we didn't recognize it as such at the time." According to Clarke, "There were signs in 1995 of [bin Laden's] money and support in Bosnia, Chechnya, the Philippines, Egypt, Morocco, and in Europe. Rumors connected him to attacks in New York, Somalia, Saudi Arabia, and Yemen."

So, according to Clarke, "Clinton talked incessantly about what it would be like if terrorists used a weapon of mass destruction to attack a United States city." Between late 1995 and April 1996, Clinton gave a series of speeches about the terrorist threat.

Clarke (back right) at a meeting of President Clinton's foreign-policy advisers in 1998.

[illegible] the threat to that we faced in [illegible] and the Cold War, the president said, "Terrorism is the enemy of this generation, and we must prevail." In 1996, the work of a newly created bin Laden station at the CIA revealed a "widespread and active" al Qaeda organization with bin Laden as its "mastermind." In 1996, Clarke's Counterterrorism Security Group was already developing plans for a covert operation to snatch bin Laden from Afghanistan.

This is where things stood at the end of Bill Clinton's first term as president. Clarke succeeds in demonstrating that, by 1996, the administration was deeply aware of the threat al Qaeda posed, and that Clinton himself was "seized with" the issue. The administration was putting in place a domestic program to respond rapidly in the event of a terrorist attack with weapons of mass destruction. The administration had conducted covert operations against suspected terrorists and was discussing an operation to snatch Osama bin Laden himself. In short, Clarke successfully makes the case that the administration was fully engaged and ready to take the offensive against al Qaeda—*by the end of Clinton's first term.*

So what happened? It is true that the bureaucracy failed Clinton in some ways, but the more complete answer is that the president was unable to impose his will on a reluctant government, including his senior cabinet officials responsible for national security affairs. Unlike their successors in the Bush administration, they were not willing to risk other American interests, and public and world opinion, for the sake of defeating al Qaeda—and unlike President Bush, President Clinton was unwilling to force the issue. In November 2001, after he left office, Clinton said, "I tried to take bin Laden out . . . the last four years I was in office." He must be judged by the fact that he failed.

Clarke blames in particular the CIA's professed doubts about their authorization to use lethal force against the terrorists. In Clarke's words, "I still to this day do not understand why it was impossible for the United States to find a competent group of Afghans, Americans, third-country nationals, or some combination who could locate bin Laden in Afghanistan and kill him. . . . The president's intent was very clear: kill bin Laden. I believe that those in the CIA who claim the authorizations were insufficient or unclear are throwing up that claim as an excuse to cover the fact that they were pathetically unable to accomplish the mission."

Yet the president and his national security cabinet made accomplishing the mission difficult. As Clarke explains, "In three meetings during 1998 and 1999, the [Counterterrorism Security Group] requested emergency meetings of the principals to recommend to the president a cruise missile strike on the facility in which bin Laden was believed to be at the time." The missiles were never fired. CIA Director George Tenet later confirmed that bin Laden was present at the suspected site on one of those occasions;

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yet each time fear of collateral damage or considerations of subsidiary American interests prevented the administration from pulling the trigger.

Again and again, Clarke proposed attacking bin Laden's training camps, whether or not the terrorist mastermind was confirmed to be there, telling his colleagues, "We have to stop this conveyor belt, this production line. Blow them up every once in a while and recruits won't want to go there." But the principals objected—for reasons as diverse as wasting million-dollar missiles, undermining U.S. credibility with Pakistan, burdening a stretched military, and reinforcing a perception abroad of the United States as a "Mad Bomber." The administration ruled out an assault on bin Laden's farm in Afghanistan, for fear the CIA's Afghan assets could be killed in the attempt.

Clarke wants to give the Clinton administration credit for trying. It *did* recognize the threat, he insists; it *did* engage in serious strategic planning to counter it; the threat *did* consume the president and his senior staff. "Listen," Clarke quotes Clinton as telling his national security staff after the 1998 embassy bombings in Africa, "retaliating for these attacks is all well and good, but we gotta get rid of these guys once and for all. You understand what I'm telling you?"

And yet, somehow, little came of all this. The Clinton administration failed to coerce the weak and failing states of Sudan, Afghanistan, and Pakistan to capture bin Laden. Without elaborating, Clarke calls reports that Sudan was prepared to hand bin Laden over to the United States for the right price "a fable" invented by "Americans friendly to the Sudan regime." He also tells us that it was impracticable to seize bin Laden in Sudan, where the administration knew his whereabouts. National Security Advisor Tony Lake ruled out a proposed Special Forces operation against al Qaeda facilities in Sudan on the grounds that, in Lake's words, "This is going to war with Sudan." According to Clarke, the CIA "had no capability to stage significant operations against al Qaeda in Sudan." On Clarke's watch as counterterrorism czar, the United States apparently never acquired that capability.

Later, Clarke tells us that the State Department was "hard at work trying to put pressure on the Taliban" to close terrorist camps and hand over bin Laden. "Unfortunately, we had little leverage with the Taliban." The mullahs wouldn't cooperate, and the Clinton administration threatened them with nothing more than negotiations. On Pakistan, Clarke observes, "I believed that if Pakistan's [Inter-Service Intelligence Directorate] wanted to capture bin Laden or tell us where he was, they could have done so with little effort." Did the United States, under Clinton's leadership, have so little leverage over other nations on an issue it had identified as a top national priority? President Bush demonstrated otherwise—in Afghanistan, Pakistan, and Iraq.

Clinton was committed to defeating terrorism, Clarke insists. But his administration could not or would not deliver. "Whether it was catching war criminals in Yugoslavia or terrorists in Africa and the Middle East, it was the same story," Clarke adds. "The White House wanted action. The senior military did not and made it almost impossible for the president to overcome their objections." An attempt to catch September 11-mastermind Khalid Sheikh Mohammed in Qatar in 1997 failed because the administration felt obliged to inform officials in Doha, one of whom promptly warned Mohammed to flee. An attack on an al Qaeda meeting at which bin Laden was present failed when, as Clarke himself had predicted, Navy destroyers positioning to fire their cruise missiles were detected by Pakistan, which may have warned bin Laden to clear the area before the strike.

Clarke blames most of this on the failure of the CIA, FBI, and the Pentagon to cooperate with the Clinton administration. Clinton "identified terrorism as the major post-Cold War threat," but "could not get the CIA, Pentagon, and FBI to act sufficiently to deal with this threat."

Is he right? During his long years as the nation's counterterrorism czar, working for both Clinton and Bush, Clarke never put in place a workable system to screen airline passenger manifests—yet was shocked to learn, on September 11, that known terrorists had freely boarded American airlines. After al Qaeda attacked the USS *Cole* in Yemen in 2000, killing seventeen American sailors, Clarke proposed the United States bomb every al Qaeda camp in Afghanistan. "There was no support for bombing [within Clinton's national security cabinet]. . . . The principals had decided to do nothing, to wait for proof of who committed the attack." Clarke quotes his colleague, Mike Sheehan, as asking, "What's it gonna take, Dick? Who the sh—t do they think attacked the *Cole*, f—in' Martians? The Pentagon brass won't even let the Air Force carpet-bomb the place. Does al Qaeda have to attack the Pentagon to get their attention?"

The answer would appear to be yes. Clarke reports actually seeing Osama bin Laden in Afghan training camps on three occasions in real time as he watched live video from a Predator unmanned aerial vehicle hovering over the sites. Each time, U.S. military assets were not in a position to fire on bin Laden, and the Predator was not armed with missiles to conduct an offensive strike, as it would be during the Bush administration.

Clarke later criticizes the Bush administration for failing to push aggressively for deployment of Predator drones armed with Hellfire missiles before September 11. Yet he also quotes a report that the head of the CIA's directorate of operations opposed use of the armed Predator against bin Laden on the grounds that it would "endanger the lives of CIA operatives around the world." And in a White House meeting one week before September 11, Clarke cites a source quoting CIA director Tenet as saying, "It would be a terrible mistake for the [Deputy of Central Intelligence] to fire a weapon like this."

So who is at fault? In 1998, al Qaeda issued a statement declaring war on the United States Clarke writes, "It did not come as a shock to us. We had considered ourselves at war with al Qaeda

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Reuters

Defense Secretary William Perry at Khobar Towers in 1996.

even before we knew its name or its reach."

Yet despite the continuing string of attacks, and intelligence warning of more to come, Clarke doesn't blame Clinton. Says Clarke,

> Because of the intensity of the political opposition that Clinton engendered, he had been heavily criticized for bombing al Qaeda camps in Afghanistan, for engaging in 'Wag the Dog' tactics.... For similar reasons, he could not fire the recalcitrant FBI director who had failed to fix the bureau or uncover terrorists in the United States. He had given the CIA unprecedented authority to go after Osama bin Laden personally and al Qaeda, but had not taken steps when they did little or nothing. Because Clinton was criticized as a Vietnam War opponent without a military record, he was limited in his ability to direct the military to engage in anti-terrorist commando operations they did not want to conduct.... In the absence of a bigger provocation from al Qaeda to silence his critics, Clinton thought he could do no more.

Clarke lost his access to the president when the Bush administration came to power. His principal complaint is that the Bush team's focus on Iraq after September 11 diverted America from the war against al Qaeda. Yet it was Clarke who, by his own admission, authored the founding document of Clinton counterterrorism policy in 1994 underlining the threat of terrorists' acquiring weapons of mass destruction and stating that the United States had "no greater priority" than preventing it—an argument the Bush administration employed in its decision to go to war against Iraq nearly a decade later, at a time when terrorists had demonstrated their ability to attack the United States and were actively seeking weapons of mass destruction, which Iraq had a demonstrated record of producing and using.

Given what every serious intelligence service in the West believed it knew about Saddam's weapons of mass destruction capabilities, the Bush administration's decision to go to war was a prudent response to what, by Clarke's own standard, constituted a credible threat to the United States in an age of catastrophic terrorism.

Clarke's argument that the Bush administration did not accord the terrorist threat sufficient priority before September 11 is not wholly fair. The Clinton administration had eight years to deal with the threat; the Bush administration eight months. It is by this gap that the Bush administration's early counterterrorism policy must be judged.

The challenges facing any new administration—appointing and confirming senior staff, conducting broad-ranging policy reviews, and generally getting its sea legs—as well as the Bush administration's determination to set a course in foreign policy radically different from that of its predecessor, may have hindered a clear assessment of the threat al Qaeda posed to the United States. During their first months in office, officials who had been out of office for eight years may not have had the same sense of urgency about terrorism as Clarke, who had spent every day of those same eight years watching the terrorist threat spread. Unquestionably, the Bush administration, once it fully grasped the threat, acted decisively to end it. The Clinton administration did not.

Clarke himself points out that a memo he prepared for the incoming Bush administration listed key antiterrorist initiatives that the Clinton administration had not agreed to take. "The [Clinton] principals had asked me to update the pol-mil plan for the transition, flagging the issues where there was not a consensus, where decisions had not been agreed." By Clarke's own admission, the Clinton administration had not done these things. Had they, the Bush administration may have found themselves confronting a significantly reduced terrorist threat. As it happens, Republican officials were putting in place these very policies when the terrorists struck on September 11.

In the final chapter of *Against All Enemies*, Clarke suggests that Clinton, were he still in office after September 11, would have tried to "understand" the phenomenon of terrorism; tried to build a "world consensus" to address its root causes; tried "one more time" to forge an Israeli-Palestinian settlement; gone to Saudi Arabia to "address the Muslim people" in "a moving appeal for religious tolerance"; promoted peace between India and Pakistan; and worked to stabilize Pakistan. Hearing Clarke's wish list for American policy at a time when hardened terrorists are killing innocents from Madrid to Bali makes one glad that Clarke has given up his day job.

Clarke's decision to write what he means to be an indictment of the Bush administration's counterterrorism policy, at a time when the president he served is still in office—and, particularly, to record the president's conversations with him on sensitive matters of national security—is unprecedented. By his act, Clarke has made it difficult, if not impossible, for future presidents to retain senior national security staff

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members from previous administrations. In *Against All Enemies*, Clarke laments that political appointees often move aside career national security officials who possess valuable institutional knowledge on national security matters. Clarke's decision to release his memoirs in an election year, and to do so in a way that violates confidentiality and transparently benefits the political opponent of the last president he served, makes it more likely that future administrations will not retain people like Dick Clarke.

The tragedy of recent American politics is not that President Bush acted to end the threat of terrorists acquiring weapons of mass destruction from rogue states like Iraq, at the cost of angering allies and subordinating secondary American interests. The tragedy is that President Clinton, knowing al Qaeda was at war with us and understanding both its global reach and its plans to kill Americans, did not act in a similarly bold manner.

Against All Enemies is too serious to be called a farce, for it highlights the tragedy of American foreign policy in this age of terrorism. Clarke's deep anger with the current administration notwithstanding, he has performed a service by reminding America of how the Clinton administration failed to protect us from the terrorist threat. ♦

The Againsters

New York's literati bemoan the Bush era.

BY HARRY SIEGEL

America's most celebrated writers are against . . . well, it's hard to tell what exactly they are against. War, to some degree. President Bush, to a considerable extent. But, mostly, New York's literati gathered at Cooper Union's Great Hall last Thursday to announce that they were firmly, immovably against whatever anybody suggests being against. Republicans in the White House, American soldiers in the Persian Gulf, evangelical Christians in the heartland: There must be a wrongness somewhere deep at the root of the world to allow such things to exist, and whatever that wrongness is, the nation's hippest writers are against it. They said so, over and over again, and over and over and over again—until the mind dissolved in the deeply felt emptiness of it all.

Hosted by Jonathan Safran Foer, the lauded young author of *Everything Is Illuminated*, the all-star literary reading, sponsored by an artists' group raising money for Democratic candidates and causes, was called "Where's My Democracy?" Foer set the tone for the evening with his introductory recitation of platitudes: "At stake are the environment, our civil liberties, our courts (our right to choose, our privacy), the economy, the Constitution, and America's place in the world. . . . The writers I contacted [had] absolute consistency of feeling." Mixed in with all this were humorous, apparently improvisational asides: "We all know Democrats are smarter, better looking *and* taller than Republicans." Dressed in a gray sweater, jeans and sneakers, he was (like his book) more witty than intelligent.

But the event really began with a huge man, perhaps 6'4" and certainly well built, who had told me that his name was Bill Wubber the Fifth. As Foer went on with his cant—he's for children and against war—I spotted Wubber with a glazed look on his face and a backpack in his hands, walking towards the stage and sitting down in the aisle statue-still. After a moment, one of the women working the event approached him and placed her small hand on his large shoulder. No response. Her lips moved, but still nothing. Finally, she left and returned with a security officer, himself dwarfed by Wubber. Just before Foer introduced the night's special surprise guest, Salman Rushdie, Wubber stood up and went limp, and the guard dragged him from the room.

The last time I'd seen Rushdie, also at the Great Hall, I'd been excited to hear him speak, only to be forced to sit through endless stories relating all the famous people Rushdie had dined with and called by their first names, scarcely related to Italo Calvino, the great Italian writer his talk was supposed to celebrate. This time, Rushdie again lived up to his recent reputation as a man who prefers to date models, hang out with rock stars, and appear on Page Six than do serious work. While every other author save Lou Reed read from a work in progress, Rushdie read a three-year-old poem called "How the Grinch Stole America": *So far the poor Grinch hadn't amounted to zip, / He just hadn't counted. It gave him the pip. / (His father! His eminent Dad! His own blood! / Compared to him, Grinchy had proved quite a dud.)*

The crowd, unsurprisingly, laughed and clapped madly. Actually, they applauded every performance and laughed at every speaker. It reminded me of a Saturday night jazz set, where the couples on dates applaud each solo, too overawed by culture to make any critical distinctions. I find it hard to imagine any sane person taking equal enjoyment from Gary Indiana's clumsy vulgarities and Wendy Wasserstein's well-wrought bourgeois dramas, Paul Auster's bizarre racialisms and Jhumpa Lahiri's brilliant attention to detail. But the crowd at the all-star-author hootenanny was, like the readers, united more in a lifestyle than a political movement, more interested in literature as a scene than as an art form.

The empty againstness of it all gave me considerable time to think about my earlier encounter with Bill Wubber the Fifth. "I'm ready to sit down and hear the faith," he had explained when I asked, during the hour-long delay

Harry Siegel, editor of NewPartisan.com, *is writing a book on gentrification in New York.*

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Speakers at "Where's My Democracy?"—Salman Rushdie, Wendy Wasserstein, Jonathan Franzen, Joyce Carol Oates, Jonathan Safran Foer.

before the readings started, why he was at the $50-a-ticket event. In his early thirties, with shoulder-length hair and sunglasses resting on his forehead, double-fisting red and white wines in his immense hands, he seemed out of place amongst the young ironists in Alf trucker caps and matching androgynous haircuts. "I'm to the left of everything," Wubber went on, adding that his family were Republicans and that he was mixing the two wines "to get the proper buzz." Getting excited as he went on breathless and bouncing from thought to thought, he put his drinks down and moved in closer—his nose kept bumping mine—his arms flailing about my head for emphasis.

Figuring that was enough of Bill Wubber the Fifth, I escaped across the room to check out the merchandise and grab free copies of the *Nation* (all of 2004's back issues were prominently displayed). The bestselling item, I found out, was a T-shirt with a silkscreen of President Bush in a fedora (no one I asked could explain why it wasn't a cowboy hat) with the American flag and guns rising out of the brim and tiny Texas longhorns on top, captioned "Mad Cowboy Disease."

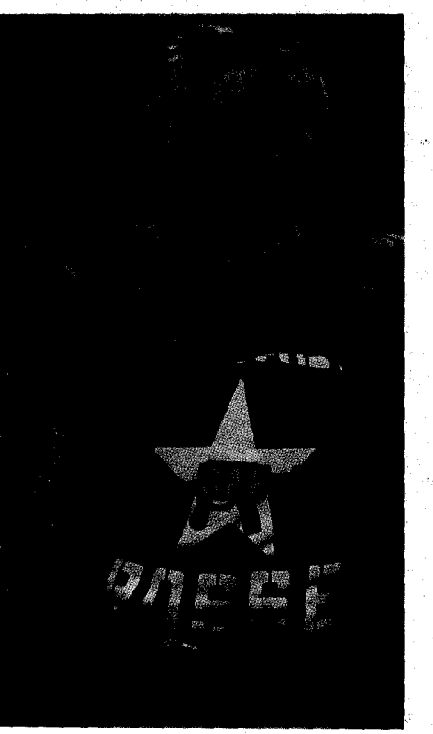
While examining the merchandise, I felt myself embraced and turned around to find Wubber, a tear streaming down his face and his nose running. "You know," he confided as I tried to slip away, "the world is in the wrong place."

Certainly I wondered if I was in the wrong place. Wonder boy Dave Eggers, who makes up for his lackluster prose with self-promotional genius, was, when his turn came to speak, more stand-up comic than author, improvising new jokes while reading his funny if banal story about a stoner who solves the world's problems. "I have to take credit for reducing our dependence on oil and for beginning the Age of Wind and Sun . . . Your uncle Frank came up with that name. He always wanted to be in a band and call it that but he never learned guitar and couldn't sing." That Eggers's improvised riffs improved the work doesn't speak well for the shape it was originally in.

This preference for tone over craft was also exposed in the authors who spoke in incantatory cadences, notably Michael Cunningham and Jennifer Egan. Both sounded as though they belonged at some poetry open-mike evening, where mellifluousness is at least as important as prose. Egan, who writes for the *New York Times*'s magazine, distinguished herself with the vacuity of her condemnation of suburban normalcy, writing sentences like "Doesn't every family love having one person f—ed up so fantastically that everyone else feels good next to him," employing a narrator who says things like "Where was I? Oh yeah . . ." and taking NYU as her stale symbol of rebellious self-exploration.

Paul Auster, who at least read straight, offered the opening from yet another novel about Brooklyn written for Manhattanites, mentioning Park Slope's La Bagel Delight—then interrupting the reading to brag, "that's a real place," as though he were Melville reporting his experiences on a cannibal island. Joyce Carol Oates introduced a poem shaped like a kite by asking the audience to "imagine a neon crimson sort of lurid pulsing dollar sign, which is of course a symbol of our culture." The hideous Gary Indiana, decked out in a Red Army Fraction T-shirt and a bizarre scarf, read a poem "inspired by Mel G" called "Why I Took It Up the Ass from Twelve Apostles" (incredibly, the poem was in even worse taste than the title suggests), which was received with raucous laughter.

With so much dross, the few quality readings stood in sharp relief. Colson Whitehead, the only reader to bother with a suit and tie, read an



Gary Indiana in his Red Army Fraction shirt.

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advertisement for grudges that suggested a return to the intelligence and discipline that marked his debut novel, *The Intuitionist*. Wendy Wasserstein, the only reader besides Rushdie to address the present political scene, read from an engaging new play about an attractive and angry middle-aged professor with an intense hatred for traditional interpretations of *King Lear*.

Jonathan Franzen (after an awkward introduction in which Foer seemed to pick a fight with him) mentioned Joshua Micah Marshall's website "Talking Points Memo" and then paused in expectation of applause, only to stare into a crowd of dull and blank faces that clearly had no idea what he was talking about. Still, he gave an impressive reading, as did Jhumpa Lahiri, the night's final reader, in whose story a narrator recalls from her childhood the courtship between her mother, a Bangladeshi in an arranged marriage, and a friend of the family.

What's perhaps most curious about all of this is that in more than four hours of speeches and readings, I didn't hear Iraq mentioned once. "There is no more important cause in the world right now than getting Bush out of office," Jonathan Safran Foer declared to open the second half of the event—a sentiment repeated almost verbatim by many of the other authors. But exactly why, no one could say. Writers typically know about as much about politics as politicians know about literature. But there's something disconcerting about a baker's dozen of them coming together for an event devoted to how evil Bush is and how important it is to defeat him—and not one of them explaining why we face what several speakers insisted was "the most important election ever."

Bill Wubber the Fifth should have been on stage, for only he expressed concisely and poetically the sad theme of the evening's lament of original sin: "The world is in the wrong place." Hour after hour from America's most-celebrated writers in the Cooper Union's Great Hall, and that's about all the evening boiled down to.

The world is in the wrong place, indeed. ♦

Everyone's Favorite

Michael Kelly's essays, a year after his death.

BY ANDREW FERGUSON

This collection of newspaper columns and magazine articles by Michael Kelly appears at the first anniversary of his death, on April 3, 2003, as he was covering the war in Iraq. Not only in Washington but elsewhere, his death was greeted with an effusion of grief and ceremonious display that must have struck some people as odd, or at least unexpected. As a matter of professional courtesy, journalists will lionize other journalists—if we don't do it, who will?—but the mourning of Mike Kelly spread outward to include tributes from the president of the United States and from many of the same personages he had written about, and not favorably, over his twenty years as a writer. Normal people joined in as well. The morning after he died, I happened to be at a meeting of history buffs in Richmond, Virginia, and was struck by how many people had heard the news and seemed shook up by it. Kelly had many friends and many more admirers. With *Things Worth Fighting For* their numbers can only grow.

Things Worth Fighting For
Collected Writings
by Michael Kelly
Penguin, 426 pp., $26.95

He earned his reputation in ways that are unlikely for his time and place. Washington is famous for its shameless self-promoters; sometimes it seems as if the city knows no other professional type. Not every shameless self-promoter gets ahead in Washington, needless to say, but everyone who gets ahead in Washington is a shameless self-promoter—or so slackers liked to think, until Kelly proved the rule wrong. He agreed to appear on television only a handful of times and always to his regret. It is impossible to imagine him launching his own website, or tagging everyone he knew with email alerts about his latest article, or elbowing his way into a gossip column for the sake of professional vanity. After he became well-known he gave interviews once in a while, although only to promote the magazines he edited and the writers he published there. Kelly advanced himself instead by being talented and tireless and, strangest of all, not a jerk. He was a better writer than any reporter I ever knew of, and a better reporter than any other writer, and realizing this, his fellow writers and reporters were content just to relax and admire him. Alone among successful people in the journalism business, he was hated by none of his friends.

Kelly was born and reared in Washington, but he started his career elsewhere. He worked as a booker for a morning television show and made some noise as a reporter for the *Cincinnati Post*, but he wasn't a newspaperman at heart; his talents and aspirations were too big. Among his heroes were Rebecca West and A.J. Liebling, and like them—though neither he nor they would ever put it so pompously—he wanted to produce longer stories that had the force and durability of literature. He began writing profiles for *GQ*, which under the late editor Art Cooper was one of the last slick magazines to have large aspirations of its own, and later, as a freelancer, he covered the Gulf war for *GQ* and the *New Republic*. His dispatches from the Gulf won all kinds of awards and provided the material for his greatest work, the book *Martyrs'*

Andrew Ferguson is a senior editor at THE WEEKLY STANDARD.

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Day. But as his friend Robert Vare, editor of *Things Worth Fighting For*, writes in a perceptive and touching introduction, his earlier profiles were "the making of him as a writer."

Profiles, Vare says, allowed Kelly to explore his grand theme: "the complicated relationship between talent and character." A better way to describe Kelly's grand theme, in my opinion, is the relation between private character and public life—especially public life as it is shaped by politics. Kelly believed that the private and the public aren't essentially separable, in politics or any other endeavor; a man is what he does, and no amount of skillful rhetoric or technical flimflam can detach one from the other. I don't mean he believed in the old lie that the personal is the political, or that the personal should necessarily be public. He gave no indication of any interest in prurient matters. In 1994, for example, he profiled Bill Clinton for the *New York Times Magazine*, where he was working as a staff writer. The story was a painstaking deconstruction of Clinton's pre-presidential career, yet not long after it appeared he boasted, as if astonished at his feat: "I published twelve thousand words about Bill Clinton's past, and not one word about f—ing!"

Richard A. Bloom / National Journal

Michael Kelly

Interesting as they are—some of us still can't get enough—the details of Clinton's appetites weren't as interesting as their source. The gaping hollow that Kelly found at the center of the president's character explained much more than his sex life: It explained his elastic ideology, his flexible alliances, his fleeting friendships, and ultimately his political success. Whether Clinton is moralizing from the pulpit of a black church or cutting a deal with shadowy Ozark businessmen, "it is also impossible to doubt that he believes utterly in what he is doing." Kelly invited his readers to look close.

> The president's face is a screen upon which plays a loop of expressions that have become insistently familiar: the open-mouthed grin of joyous wonder; the scowl of righteous but controlled anger; the lip-biting, eyes-lowered glance of pondering humility; the near tears of a man who is not afraid to show that he feels. In an important sense, these expressions are entirely honest; Clinton's empathy is wholly real. But it exists only in the moment. . . . Clinton means what he says when he says it, but tomorrow he will mean what he says when he says the opposite. He is the existential president, living with absolute sincerity in the passing moment.

Such a man requires a hospitable ecosystem for his flourishing, and when Clinton left Arkansas, the political culture of Washington was here to greet him. David Gergen, more particularly, was here to greet him. With his long labors at Republican White Houses, quasi-academic think tanks, uneven journalistic ventures, and the opinion mills of PBS, Gergen had come to personify the culture that made the Clinton presidency possible. He had just signed up as a Clinton adviser in 1993 when he sat (sat like a sitting duck) for the portrait Kelly wrote of him. That Gergen should hire on with a president who was busy trying to undo the accomplishments of Gergen's previous boss, Ronald Reagan, seemed not at all odd to his fellow Washington strivers. To the contrary, it seemed like a damn good career move. "A man like Gergen," Kelly wrote, "unafraid to admit that his loyalties and convictions are no more than outerwear, is always welcome at the table." I heard the other day, by the way, that Gergen is now the Director of the Center for Public Leadership at the John F. Kennedy School of Government at Harvard University—an exquisitely Gergenesque job title that would have pleased Kelly deeply.

As with all of Kelly's Washington profiles, the story about Gergen was less about the subject at hand than about the political culture itself. "The idea of image [has become] the faith of Washington," he wrote.

> In this new faith, it has come to be held that what sort of person a politician actually is and what he actually does are not really important. What is important is the perceived image of what he is and what he does. Politics is not about objective reality, but virtual reality. What happens in the political world is divorced from the real world.

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It exists for only the fleeting historical moment, in a magical movie of sorts, a never-ending and infinitely revisable docudrama. Strangely, the faithful understand that the movie is not true—yet also maintain that it is the only truth that really matters.

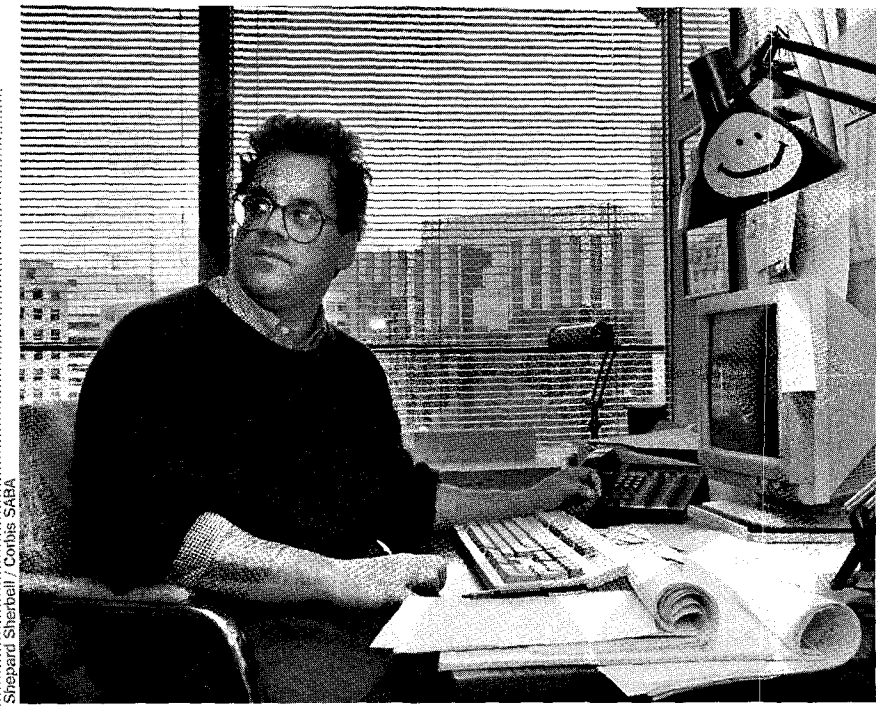
In this world of passing surfaces, unlikely figures will assume the status of legend. The most famous of Kelly's early stories was a profile of Ted Kennedy—the über-celebrity of American politics, whose continued prominence Kelly took to be a sign of some infection at the heart of the capital's culture. Indeed, the story, and the capital's reaction to it, was Exhibit A in its own defense.

The Kennedy profile is exhaustive and exhausting, an encyclopedic account of an undisciplined and foolish man whose psychological difficulties had left a long trail of personal hurt. Once again, you could see it in the face:

The skin has gone from red roses to gin blossoms. The tracery of burst capillaries shines faintly through the scaly scarlet patches that cover the bloated, mottled cheeks. The nose that was once straight and narrow is now swollen and bulbous, with open pores and a bump of what looks like scar tissue near the tip.

The story is not a puff piece, in other words. When it first appeared in *GQ*, it preoccupied Washington for many days—a lifetime in the city of the eternal now. Yet it didn't contain any news; it was pathbreaking only in the limited sense that Kelly for the first time gathered into one place all the stories, and confirmed all the rumors, that Washingtonians had been repeating to one another about Teddy for years. In any healthy culture, regulated by objective expectations of propriety, the events Kelly describes would have ended Kennedy's professional life, and if they didn't then the public revelation of them in a reputable magazine would have.

But as you may have noticed, Kennedy is still here, still lionized, still sought out for wisdom and looked to for leadership, still bellowing at his inferiors, Republicans, from a pose of moral outrage. No longer of the present moment, his boorishness has ceased to exist. Washington's faithful forgot Kelly's story as a child forgets a scary dream. In fact, one of Kelly's former colleagues at the *New York Times*, a courtier journalist named Adam Clymer, even made Kennedy the subject of a long and worshipful biography, managing to avoid the unpleasant issue of character altogether.



Shepard Sherbell / Corbis SABA

Clymer prospered in the *Times* newsroom; Kelly left it. He went to the *New Yorker*, where he served as the most sensible and clued-in Washington correspondent the magazine ever had. A couple years later he quit to edit a succession of magazines, first the *New Republic*, then the *National Journal*, and then the *Atlantic Monthly*. His career as a writer of lengthy, reported stories was over, and he began moonlighting as a newspaper opinion columnist. Vare includes a couple dozen of the columns. They brought Kelly a whole new audience, who discovered in him a like-minded polemicist capable of casting their own opinions in language much more precise and elegant than they, or anyone else, could have mustered.

For a reader who agrees with them, there can be great satisfaction in reading columns like these, though I'm not sure how much satisfaction there could be in producing them week after week. In any case, they offered no room for the layers of detail and variations of color that gave his longer stories such force, and it's sad to think that his later fans knew Kelly's work only through his newspaper columns—but pleasing to think they now have a chance to see him at his best.

My own favorite of the stories here is a portrait of Mayor Richard M. Daley of Chicago, caught in 1990, not long after he had succeeded to the throne occupied for so long by his father. Kelly's view of him is of course subtle and fine grained, but it's also unusually tender, and as you read along you begin to see why. Of all the politicos Kelly wrote about, Daley was the most straightforward, the least complicated. What you see with Daley, as his admirers always say, is what you get; the inner man doesn't have to travel up through an obstacle course of artifice and calculation before he shows himself to the world.

I think the same is true of Kelly's writing, clear and unadulterated as it is—put down on the page with great care and skill but in the end utterly transparent. There's no artifice in his stories, nothing jumped up. This is why not only his friends but also those who knew him solely through his work, longtime readers as well as those happening on the stories for the first time, will come away from his final book touched with admiration, gratitude, and heartbreak. ♦

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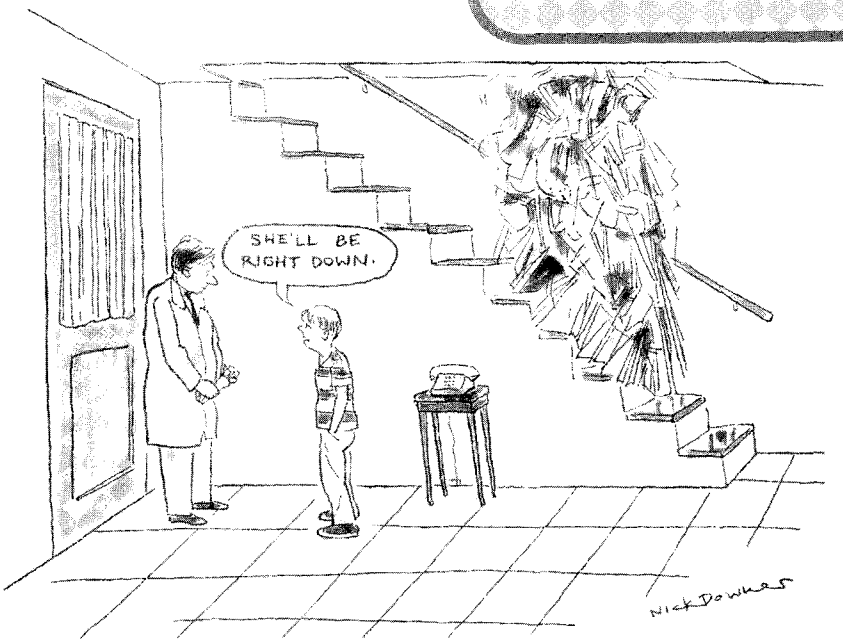

Blind Date Descending a Staircase

Books in Brief

***Americans in Paris: A Literary Anthology*, edited by Adam Gopnik (Library of America, 613 pp., $40).** The new anthology from the Library of America, *Americans in Paris*, is an annoying work—especially if you actually know anything about Paris. This patchwork quilt of impressions from famous and not-so-famous writers seems designed solely to confirm every hackneyed, half-baked, and outdated idea of the city that an American may have acquired.

Or perhaps I should say, every hackneyed, half-baked, and outdated idea that an American who reads the *New Yorker* may have acquired. For several years, Adam Gopnik wrote the "Paris Journal" for the *New Yorker*, and he still writes as though he's nibbling on his first baguette. As it happens, I remember something of Paris. I was married the morning my husband and I first departed for France, and when I finally managed to return to New York from Paris, thirty years later, I discovered that the only thing New Yorkers seemed interested in asking was whether I knew a good French restaurant anywhere near midtown. I finally began refusing any luncheon date at "a wonderful little French place. You'll think you're back in Paris"—responding by asking if we couldn't eat Chinese instead.

My response to *Americans in Paris* is similar: Can't we read Chinese instead? For his anthology, Gopnik has selected snippets of Americans undergoing their Parisian experiences, from Thomas Jefferson in the late 1700s down through Dorothea Tanning in the late 1900s. Of Tanning, widow of Max Ernst, Gopnik asks us to note "that her favorite haunt, the restaurant Aux Charpentiers, is still alive and kicking and more or less intact, all these decades later. Paris really is sometimes a perfectly still feast."

Well, yes. And sometimes it's not a feast at all. In fact, the Paris your grandfather loved, and loved to complain about, is no more. The architecture and history remain, but the myths about how curious the French are, how they don't want to speak English, and how they find it difficult to establish friendships with visitors are just that: myths. My late husband spoke French well enough that he was always taken for French (Jean-Luc Godard once asked him if he happened to speak any English, as he wanted to cast him in a small part). But my accent was always a giveaway, and the French claimed they could spot me even before I'd opened my mouth—because I had "that hopelessly innocent look that Americans have."

Henry James, of course, understood the naive and innocent American, and if one must have the *idées reçues* with which the 613 pages of *Americans in Paris* are filled, James's short story "The Velvet Glove" is not a bad choice. But one does wonder why the publisher chose to commission such a subject. Surely the original intention for the Library of America was to bring into print standard editions of standard American authors—particularly those whose day of popularity had passed, so contemporary literature could appreciate them anew. The recent republication of James T. Farrell's *Studs Lonigan* trilogy is a good example of what the Library of America is supposed to be for—and why they are so deeply subsidized.

What similar purpose does *Americans in Paris* serve? I'm sure Adam Gopnik had a good time putting together this catchall of clichés, written mostly by rather-too-familiar names. But the rest of us could have been spared the turgid sentimentality of "The Last Meal I Ate in Paris."

—*Cynthia Grenier*

***Kill the Umpire: The Calls of Ed Gorgon* by Jon L. Breen (Crippen & Landru, 182 pp., $17).** For three years now, Jon L. Breen has been reviewing mystery novels for THE WEEKLY STANDARD—but he's also the author of six mysteries of his own, winner of two Edgar awards, and creator of Ed Gorgon, the reluctant umpire detective who always makes the right call. The Gorgon stories have been quietly appearing in various magazines over the last thirty years, and Breen has finally cleared the bases, collecting them in a single volume. A home run for mystery readers.

—*Joseph Bottum*

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"Capitulating on a second point, Bush said he will submit to questions in a private session with all 10 commissioners, backing off his previous demand to meet only with Chairman Thomas H. Kean and Vice Chairman Lee H. Hamilton. Bush added a new restriction by saying he will appear only with Vice President Cheney at his side."
***—Washington Post*, March 31, 2004**

Bush-Cheney testimony (continued)

so that each of those 27 C-130s could accommodate 312 range-finding devices. That's 8,424, or one per every 51 or 52 square kilometers, if I remember my Iraqi geography correctly.

Mr. KEAN: Does Mr. Cheney's memory accord with your memory of that surveillance project, Mr. President?

Mr. BUSH: Yep.

Mr. HAMILTON: Mr. President, if we could move on to the Egyptian dossier.

Mr. BUSH: Glad to. I appreciate it. I'm really glad you're asking these questions. I mean I really am. Nothing could make me happier. Around some time in the winter the president of. . . Dick?

Mr. CHENEY: France.

Mr. HAMILTON: Mr. Cheney the question was for —

Mr. CHENEY: I am not a potted plant.

Mr. BUSH: President of France told us they were picking up some signals regarding . . . what the?. . . hey, stop kicking me in the shin, willya, Dick?

Mr. CHENEY: We didn't pursue it.

Mr. BUSH: Did too!

Mr. CHENEY: Did not.

Mr. BUSH: Did too! I even went out and told Prime Minister Boccherini we could use some help. From . . . Dick?

Mr. CHENEY: Italy.

Mr. BEN-VENISTE: What kind of help did you ask for?

Mr. BUSH: Glad you asked that question. I really am. I've always known you to be a major league . . . Dick?

Mr. CHENEY: Big-time.

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[illegible] of the United States and Latin America [illegible] globalization. Beginning in the late 1980s most Latin American countries opened their economies to foreign trade and investment. The expectation was that this dramatic change from past policies would ignite rapid growth and cure the region's endemic poverty. The results did not match expectations. With the exception of Chile, Latin American GDP growth has been, at best, sluggish. During the 1990s real GDP per worker in Mexico and Brazil increased by only 1 percent a year, while GDP per worker in Argentina and Venezuela actually declined in real terms.

The prescription of the Bush administration for this problem, articulated at the Summit of the Americas in Monterrey, Mexico, this past January, is that Latin America needs to be even more integrated into the global economy. The U.S. government has therefore been pushing the adoption of a Free Trade Area of the Americas (FTAA). Many Latin American political elites, looking back at the experience of the 1990s, have cast strong doubts on this suggestion. Indeed, Brazilian president Luiz Inacio Lula da Silva has openly argued against the proposal, and Argentine president Nestor Kirchner and Venezuelan president Hugo Chavez have been critical not only of an FTAA but of global economic integration broadly defined.

In the ensuing debate over globalization, both sides in the debate have missed a crucial point: **openness to trade and investment is important but is not in itself a panacea**. Foreign direct investment (FDI) and openness to foreign trade help those sectors that produce tradable goods, such as [illegible] very little effect on sectors that produce nontradables, such as education. Moreover, the nontradable sector produces inputs for the tradable sector, meaning that, in the absence of policies that will increase the efficiency of the nontradable sector, the effects of FDI and foreign trade will be blunted.

Increasing the efficiency and competitiveness of the nontradable sector cannot be accomplished by increasing or decreasing the degree to which an economy is globalized. Such efficiency and competitiveness require domestic reforms that increase the effectiveness of domestic firms and markets.

Among the most crucial reforms are those related to Latin America's domestic financial systems, most of which are inadequate. Those industries producing nontradable goods need access to financial markets and banks in order to expand. So too do Latin American households, which need to finance investments in education, home ownership, and durable consumer goods. Unfortunately, securities markets in these countries tend to be small and thin. Most Latin American countries, even by the standards of other developing nations, tend to be underbanked (the resources of the banking sector are low compared to the demand for credit).

Solving the problem of inadequate financial intervention is therefore an important step in igniting growth in Latin America. This will require tough reforms related to accounting standards, mandatory disclosure, the rights of minority shareholders, and the openness of banking systems to competition. These steps are not only crucial but are independent of the stances countries take with respect to globalization.

—Stephen Haber

Stephen Haber is the Peter and Helen Bing Senior Fellow at the Hoover Institution. He is also the A.A. and Jeanne Welch Milligan Professor in the School of Humanities and Science and director of the Social Science History Institute at Stanford University.

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